Cabinet Secretary for Justice
Kenny MacAskill MSP

T: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk

The Scottish Government

Colleagues

23 January 2009

INDEPENDENT REVIEW OF POLICING IN SCOTLAND

Last May I asked Paddy Tomkins, HM Chief Inspector of Constabulary, to carry out an independent review of policing. I received the report on 9 January and have pleasure in publishing it today, and inviting you to engage in a debate about the serious challenges it highlights.

Paddy and his team have worked extremely hard to engage widely. I am grateful to the Review Team, the Advisory Group, and key partners and stakeholders for the contribution they have made through workshops, meetings, and responding to questionnaires. I am particularly delighted that over 2,500 police staff at all levels responded to the in-service survey. Overall, I believe the report offers a solid evidence base for a debate, and points to serious challenges which we must all work together to address.

I am pleased that the Review confirms that local risks are dealt with effectively. Community policing is strong across Scotland. However, threats like counter-terrorism or serious organised crime have a national dimension, but current legislation focuses Chief Constables and police boards solely on their force area. Tackling these threats needs specialist resources, but duplicating these across Scotland, or sharing in an ad-hoc way, raises problems about cost and who is accountable for delivery. The true cost of delivering police services – whether it be community policing or specialist services – is poorly understood, and service standards are not agreed across policing.

There is a need to act decisively to address these challenges, but it must be in partnership. I want to work with COSLA to ensure our response reflects the new landscape following the signing of our historic concordat. Of course I will also want to work with key stakeholders in policing to consider ways forward. I have asked my officials to engage with you over the coming weeks to gather your views around the Review's findings and to formulate next steps.

I am writing today to the Chair of the Justice Committee of the Scottish Parliament, COSLA, ACPOS, ASPS, the Scottish Police Federation, the Police Authority Conveners' Forum, the Police Complaints Commissioner for Scotland and the Scottish Police Services Authority.

KENNY MACASKILL

HMICS HM INSPECTORATE OF
CONSTABULARY FOR SCOTLAND

**Independent review of
policing in Scotland**

A report for the
Cabinet Secretary for Justice

January 2009

Index

Chapter 1

Executive summary

Policing in a changing world

1.1 Policing in Scotland is facing unprecedented changes in demand and expectation, driven by both global and local events. Policing is becoming increasingly complex, with new technological developments and new policy areas. There is now also greater emphasis on partnership working, particularly at a local level through community planning.

1.2 These changes emphasise the importance of ensuring there is an effective balance between delivering locally visible, accessible and familiar policing, the cornerstone of policing activity, with the specialist policing required to deal with the high impact but less frequent crimes and incidents.

1.3 This review is concerned with identifying the action required to ensure Scottish police forces are properly supported and can continue to deliver effective policing across the wide range of demand and within available resources.

Understanding risk

1.4 Policing in Scotland is almost by definition 'high-risk'. Whether responding to emergencies or working with other agencies to reduce the risk of serious offending, its routine activities can have serious consequences if they go wrong. Understanding and assessing risks, both those to the general public and those to the police service itself, is fundamental to the effective delivery of policing. For this review, we have grouped the key policing risks into five categories – operational, organisational, national, professional and programme/infrastructure risks.

1.5 Our findings indicate that only operational risks (and not all of these) are currently assessed systematically through the National Intelligence Model (NIM) process. Other types of risk are assessed on a more ad hoc basis by different parts of the service. We also found that strategic risk assessment for national risks is currently primarily undertaken only by the police.

1.6 In our view, the management of risk should be shared between the police and those responsible for providing local or national governance and financial support. We do not consider this is currently being achieved to the extent required.

The financial environment

1.7 Policing in Scotland is a relatively expensive concern costing more than £1 billion per annum. Forces are facing increasing financial pressures, arising both from current commitments and from a lack of robust costing of new demands. The potential loss of ring-fenced funding through the Concordat may put further pressure on existing force budgets.

1.8 However, despite these pressures, there is little evidence that the high level costs of different policing activities are properly understood. In our view, this lack of understanding, combined with the current lack of common service standards, means that important decisions on the delivery of police services are not supported by robust information.

1.9 This lack of systematic risk assessment, common service standards and understanding of costs, means that the tension between demands for expert and specialist policing and the need to deliver locally agreed community safety outcomes is more difficult to resolve.

Managing the risks – how police services are delivered

1.10 Although police services in Scotland are primarily delivered through the eight police forces, this formal structure hides a more complex service delivery framework covering three different levels – local, regional and national.

1.11 At a local level, the provision of community policing is a strength of Scottish policing, and a significant amount of effort is devoted to managing local risks, mostly through working in partnership with other agencies.

1.12 However, at regional and national levels, there are a number of different approaches for managing those risks which require more specialist resources. These include:

- chief officers acting through the Association of Chief Police Officers in Scotland (ACPOS);
- forces acting individually through inter-force collaborations; and
- the creation of the Scottish Police Services Authority (SPSA).

1.13 In 2005, the then HM Chief Inspector of Constabulary in Scotland (HMCICS) asked ACPOS to review the capability and capacity of policing across Scotland. We found only limited progress had been made since then in some of the important risk areas included in this work. Overall, we cannot provide robust reassurance that either these risks or other emerging high risks are being managed effectively.

1.14 The varying sizes and capacity of the eight police forces in Scotland also means that different collaborative arrangements have arisen to enable forces deliver some of the specialist services required to deal with increasingly sophisticated criminal elements. In essence, an internal market is developing in some aspects of policing. We are concerned by the weaknesses in information about need, costs and standards that underpin these processes, by the lack of national oversight of such arrangements to ensure best use of policing resources in Scotland and by their lack of robust governance.

1.15 SPSA is fundamental to the future delivery of policing across Scotland, in a range of areas, although its current focus is on consolidating its existing responsibilities and workload.

Governance

1.16 Ensuring proper accountability for policing services is important, whether these are provided nationally, regionally or locally in communities. We conclude in this report that there are gaps in the current arrangements and that more support is required to ensure effective governance across the different levels of service delivery.

1.17 At a local level, we found that police authorities and boards, who have overall responsibility for funding individual forces and holding them to account for their performance, currently have very little influence over local policing decisions made through community planning partnerships and their Single Outcome Agreements (SOAs). The lack of formal governance at this level is a particular concern, given the increasing importance of these decisions in the delivery of local police services.

1.18   At a regional or force level, while there are formal governance arrangements through joint police boards and police authorities, these require further support to work effectively. There is a lack of independent support provided to police boards or authorities, to enable them to properly deliver the degree of scrutiny, challenge and accountability required.

1.19   We also identified a gap in the current governance arrangements for national policing decisions. Chief constables are, on the one hand, bound by the current legislative framework to give primacy to the decisions of their local police authority/board. On the other, through ACPOS they have a role to promote the common good of policing in Scotland. This gives rise to a potential conflict of interest between national and local requirements.

1.20   Separate, but similar to the above, police authorities/boards have no mandate to consider the national policing requirement. As a consequence, the only element of the tripartite arrangement having such responsibility is Scottish Ministers. Given these circumstances, we believe that current legislative arrangements should be reviewed.

The way ahead

1.21   In order for policing to deliver the outcomes that people in Scotland need and deserve, it must be supported by sound mechanisms at local, regional and national levels for:

- prioritising its work;
- improving its practice;
- delivering efficient and effective services; and
- providing sound governance that assists decision-making, and promotes Best Value.

1.22   We appreciate that the shortcomings identified through the review have arisen from circumstances rather than a lack of will of any individuals or organisations. We are therefore proposing a way forward which is intended to fill the gaps and steer policing in Scotland towards a position where it can address both local community needs *and* the increasing complexity of national and regional risk.

1.23   In particular, we recommend that a national forum be established which reflects the tripartite structure underpinning existing governance arrangements for policing in Scotland. Such a forum, chaired by the Cabinet Secretary for Justice, would bring all those with responsibility for the governance of policing together to manage the most nationally significant policing risks and issues. Our detailed recommendations are listed below.

Recommendations

1)   We recommend that the Cabinet Secretary for Justice establish and chair a national group that reflects at least the tripartite arrangements for policing in Scotland (Policing in Scotland Steering Group or PSSG). This group should:

- decide which policing risks require co-ordination at national level, having taking cognisance of both operational and Best Value considerations; and
- oversee the response to these national risks, where it is deemed necessary to do so.

2) We recommend that the PSSG initiate and oversee a programme of work to ensure that it is able to achieve its purpose in managing national policing risks. This programme should be initiated within three months of this report going to the Scottish Parliament, and progress reported to the Parliament within 12 months. The work programme should include the following:

a) the expansion of the Scottish Strategic Assessment, which should include:

- a more robust and continuing analysis of the capability and capacity of policing to meet the high-risk operational demands and needs currently identified, as well as those referred to below; and

- an analysis of national organisational risks such as the provision of adequate police buildings, and those risks arising from failure to deliver major change programmes such as the national IT convergence strategy.

Within this same recommendation, the PSSG should also:

b) oversee and expedite the work underway by ACPOS to develop standards for policing across Scotland, recognising that these should be focused on service outputs and outcomes rather than methods and style, so that local variations in delivery can be preserved and supported where appropriate;

c) initiate and oversee joint work between the Scottish Government, ACPOS and police boards/authorities to increase the range and detail of information on the high level costs of policing;

d) with some urgency initiate and oversee work to develop a mechanism through which collaborative arrangements between forces for operational services can be drawn up and agreed. This mechanism should properly reflect local and national needs whilst ensuring that Best Value principles apply at both of those levels;

e) initiate and oversee work to develop proposals on how the weaknesses in governance highlighted in this report can be addressed; and

f) initiate a thematic review of current collaborative arrangements between forces in order to establish whether:

- demand, need and risk have been effectively assessed in advance of the arrangement;

- national risk has been effectively managed;

- Best Value at both local and national level has been achieved; and

- decision-making and governance arrangements reflect the level of risk being managed.

And finally, within this recommendation:

g) that the Cabinet Secretary for Justice require HMICS to conduct a thematic inspection of the SPSA with a focus on covering the relevant issues identified within the Independent review of policing.

3) We recommend that Scottish Ministers bring forward draft legislation to impose a statutory duty on chief constables and police authorities to take the following explicitly into account in all decision-making: Scotland's national policing capacity and capability; its national resilience to catastrophic events or strategic threats from criminality; and the reduction of the costs that arise from unnecessary duplication of services.
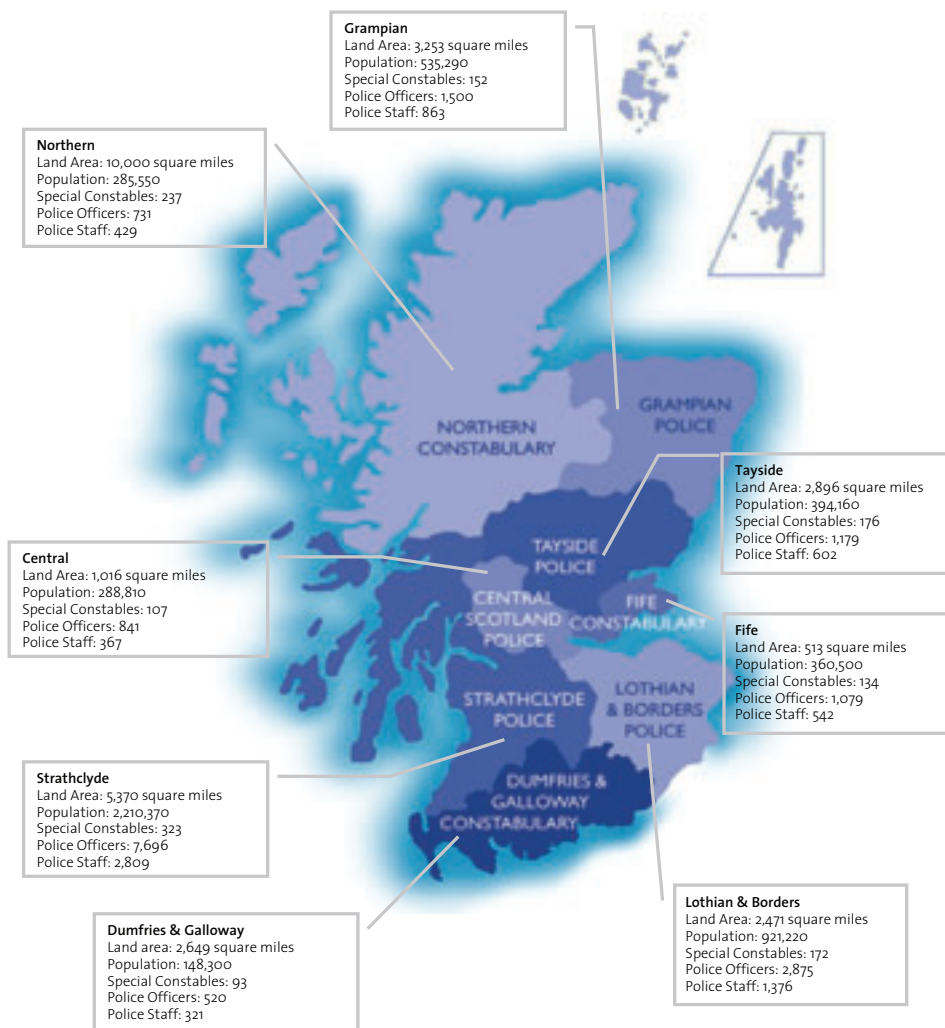
Chapter 2

Introduction

Policing context

Policing in Scotland is delivered primarily by the following eight forces (Figure 1) and the Scottish Police Services Authority (SPSA). Force areas vary in size, each covering a unique mix of urban and rural communities with very different policing needs. In addition, other forces operate in Scotland as part of the UK Government provision, such as the Ministry of Defence Police, British Transport Police and the Civil Nuclear Constabulary. The Scottish Government also has arrangements with the Serious and Organised Crime Agency (SOCA). This figure illustrates current force boundaries.

Figure 1. Policing context[1]

Grampian
Land Area: 3,253 square miles
Population: 535,290
Special Constables: 152
Police Officers: 1,500
Police Staff: 863

Northern
Land Area: 10,000 square miles
Population: 285,550
Special Constables: 237
Police Officers: 731
Police Staff: 429

Tayside
Land Area: 2,896 square miles
Population: 394,160
Special Constables: 176
Police Officers: 1,179
Police Staff: 602

Central
Land Area: 1,016 square miles
Population: 288,810
Special Constables: 107
Police Officers: 841
Police Staff: 367

Fife
Land Area: 513 square miles
Population: 360,500
Special Constables: 134
Police Officers: 1,079
Police Staff: 542

Strathclyde
Land Area: 5,370 square miles
Population: 2,210,370
Special Constables: 323
Police Officers: 7,696
Police Staff: 2,809

Dumfries & Galloway
Land area: 2,649 square miles
Population: 148,300
Special Constables: 93
Police Officers: 520
Police Staff: 321

Lothian & Borders
Land Area: 2,471 square miles
Population: 921,220
Special Constables: 172
Police Officers: 2,875
Police Staff: 1,376

The population data is based on the General Register Office for Scotland (GROS) mid-year estimates.
These can be found at the following web address:

http://www.gro-scotland.gov.uk/statistics/publications-and-data/population-estimates/index.html

1   Source: HMICS – 8 December 2008 – *Scottish Policing Performance Framework Annual Report 2007/08*

Background

2.1 On 23 May 2008, the Cabinet Secretary for Justice in Scotland, Mr Kenny MacAskill, announced that he had asked HMICS to conduct an independent review of policing in Scotland, and to report on this with recommendations by the end of December 2008.

2.2 This request was made both to address the points below, and in response to the Justice Committee's report of 24 January 2008 into the *Effective use of Police Resources*[2] and specifically recommendation 4 thereof which was as follows:

Within the lifetime of this Parliament the Scottish Government should initiate an independent review of the role and responsibilities of the police in Scotland, informed by the Committee's report.

Terms of reference

2.3 The remit given by the Cabinet Secretary was as follows:

To review the roles and responsibilities of police forces in Scotland with the aim of ensuring:

1. *that all Scotland's communities have equal access to expert and specialist policing and to the resources necessary to investigate major crime, whenever they need it;*

2. *that the delivery of such policing responsibilities does not divert resources away from visible policing in communities;*

3. *in pursuance of this to identify policing responsibilities which might more effectively be delivered nationally, regionally, or by collaboration between forces;*

4. *and to make recommendations for the organisation, governance and accountability which best supports the delivery of those policing responsibilities.*

Approach

2.4 These terms of reference, and the associated timescale, have focused our work towards a short, technical review on particular aspects of policing service delivery, rather than an all-encompassing review of policing in Scotland. The issue of re-organising the present eight force structure was also beyond our remit.

2.5 The review was commissioned by the Cabinet Secretary for Justice and is being treated as advice to Scottish Ministers. Decisions regarding implementation of any part thereof are therefore a matter for Scottish Ministers.

2.6 In order to make informed decisions, particularly in relation to points 3 and 4 of the terms of reference, we needed to collect robust data on how police organisations in Scotland currently provide services. We used a variety of approaches to collect this information.

---

2   4th Report, 2008 (Session 3) *Justice Committee of the Scottish Parliament – Report on Inquiry into the Effective Use of Police Resources*

2.7 In particular, we felt it was important to establish a shared understanding of the broader issues, including the strengths and weaknesses of policing across Scotland, prior to instigating any debate about the need for, or form of, any possible solutions. We therefore undertook a series of workshops in which senior members of staff in police organisations across Scotland had the opportunity to comment on matters relevant to the review. All Scottish police forces, police authority conveners, the SPSA, and other bodies, including representatives from ACPOS, the Association of Scottish Police Superintendents (ASPS) and Scottish Police Federation (SPF) took part.

2.8 In addition to the workshops, we collected data through a number of other workstreams, including:

- reviewing relevant documentation, e.g. written submissions from forces, the ACPOS capacity and capability review, previous HMICS thematic inspection reports, police authority/board papers and minutes;

- a structured stakeholder consultation (specific questions were sent to a range of partner agencies and agencies with regular dealings with the police service);

- interviews with other stakeholders (a series of structured discussions with other services operating in the policing environment in Scotland);

- an in-service survey (an on-line questionnaire available to police officers, staff and police board/ authority members); and

- an international questionnaire (a structured questionnaire to governments of countries with 'similar' policing environments).

2.9 The findings of the stakeholder consultation and in-service survey are presented in appendices to this report. In respect of the international questionnaire, the complexity of the information provided has prevented us from completing a comparative analysis in the time available. It is hoped that HMICS will be able to feed this in to whatever work arises as a result of this review.

2.10 We also established an advisory group, which allowed the review team to discuss emerging findings with various stakeholders and two independent members appointed by the Cabinet Secretary. The group, whose membership is given in Appendix G, met three times during the period of the review.

2.11 However, despite this wide-ranging approach to gathering evidence, we were unable to meet all the expectations of the terms of reference, due primarily to a lack of data in two important areas:

- information on the relative costs of delivering police services through different delivery routes; and

- a lack of agreed standards on how police services should be delivered.

2.12 We strongly believe that agreed standards of service delivery and information on the costs required to meet those standards are necessary to make an objective assessment of the most appropriate delivery mechanisms for different police services.

2.13   Given this lack of information and the importance of risk to the terms of reference, what we have done in this report is describe:

- the different risks facing the police services in Scotland and how these are currently assessed – i.e. how police prioritise what they need to do to keep us safe (chapter 3);
- how the police services which are intended to manage and reduce those risks are currently delivered (chapter 4);
- the impact that the lack of standards has on current policing (chapter 5);
- how the police are currently equipped to deliver the services we need (chapter 6); and
- the current governance arrangements for ensuring that police services are properly accountable (chapter 7).

2.14   We then make recommendations for the mechanisms which in our view need to be put in place to enable decisions on points 3 and 4 of the terms of reference to be made.

2.15   Despite the limited scope of this review we believe that the findings of this review and its recommendations offer opportunities for significant improvements in policing across all aspects of its delivery.

2.16   This review was directed by HM Chief Inspector of Constabulary for Scotland Paddy Tomkins, QPM. A review team was assembled in July 2008. It consisted of a range of professionals from various bodies directly or otherwise involved in delivering, inspecting or auditing policing, as well as from the Scottish Government who, for the purposes of the review, were responsible only to HMCICS. The team was also greatly assisted by other staff from HMICS.

The national and international context

2.17   The work of the police service in Scotland does not, of course, take place in a vacuum. As revealed by very recent events, like the economic downturn or terrorist attacks, global incidents and events can have a significant and immediate impact on local communities. These can generate both local and national policing issues. Within a matter of days in some cases, the attitude of a generation towards matters of risk, governance and accountability has been affected.

2.18   Individual and organised criminality and the risk of harm to Scottish citizens, has also developed across national and international boundaries, exploiting new technology in sophisticated and varied ways. As international and cross-border crime becomes increasingly complex and sophisticated, so our police service needs to keep pace, developing and sustaining flexibility and a wider range of skills than has been required even in the recent past.

2.19   The need for improved specialist and expert policing is not limited to the geographical spread of related criminality. The domestic need for specialist policing may not be as visible as the main business of policing, conducted in, for and with local communities. It is however still required to address increasing complex and sophisticated challenges, as the following examples illustrate:

- raised public and political expectations, e.g. around child protection and monitoring sex offenders;

- the increased threat and complexity of some crime, e.g. serious fraud, armed criminals, kidnap and extortion, the infiltration of police organisations by organised crime;

- heightened sophistication and cost of technical aids to investigation, e.g. in forensic science, forensic accounting and surveillance techniques;

- new techniques in dealing with large-scale disorder; and

- additional support to other services dealing with threats such as pandemic disease, food contamination and the effects of severe weather.

2.20   Beyond these global events and new policing challenges, this review occurs at a time of significant political change for Scotland. The new administration in the Scottish Government has introduced five Strategic Objectives and 15 National Outcomes designed to achieve an overall focus for government and public services on creating a *'more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth'*.[3] The police service in Scotland is an essential player in achieving that purpose.

2.21   In order to achieve these objectives, the Scottish Government signed a Concordat with local government that involves each local authority agreeing a Single Outcome Agreement (SOA) with the Scottish Government. SOAs are intended to outline how each community planning partnership is working towards achievement of the 15 National Outcomes. Chief constables and police authorities have a statutory duty to participate in community planning and should therefore be an integral part of the process. From 2009, SOAs will be agreed between the Scottish Government and local community planning partnerships (CPPs), rather than with only local authorities themselves.

Conclusion

2.22   Police services in Scotland are facing unprecedented levels of change in demand and expectation. These arise both from a local perspective (the impact of SOAs) and from a national and international perspective (through, for example, the increasing sophistication of global crime and increase in terrorism).

2.23   There is a need to balance locally visible partnership policing, which should remain the cornerstone of policing activity with the policing of less visible, low probability/high impact crimes and incidents, which require more specialist resources.

2.24   This review is concerned with how the significant achievements and current efforts of our police service in Scotland can be supported, to ensure that it can continue to deliver effective policing across this range of demand given available resources.

2.25   Above all else, whilst not intended to represent a solution, this review is an opportunity. It is a focal point for establishing appropriate workstreams and a catalyst for renewed effort.

3   The Scottish Government's 'purpose' of its strategic objectives is a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth, with a Scotland which is Wealthier and Fairer, Healthier, Safer and Stronger, Smarter and Greener'

Chapter 3

Understanding and assessing policing risks

Summary

- Understanding and assessing risks, both those to the general public and those to the police service itself, is fundamental to effective policing.

- The range of risks currently facing the police in Scotland is increasing. We have categorised those risks most relevant to the remit of the review into five groups – operational, organisational, national, professional and programme/infrastructure risks.

- Our findings indicate that only operational risks (and not all of these) are currently assessed systematically, through the National Intelligence Model (NIM);[4] other types of risk are assessed on a more ad hoc basis by different parts of the service. The strategic risk assessment at the national level is currently primarily undertaken only by the police, although at a more local level joint working is more commonplace.

- At the moment there is no mechanism or place where all the risks that policing must consider are brought together and considered collectively, either nationally or locally, by the tripartite structure that underpins the service.

Understanding and assessing risk – context

3.1   If the Scottish Government's purpose to *"help local communities to flourish, becoming stronger, safer places to live, offering improved opportunities and a better quality of life"* is to be achieved, then we need to understand the likelihood and impact of all the different factors (i.e. risks) that affect our safety and our overall quality of life.

3.2   In other words, there is a need to assess both the risks facing our communities and the risks facing the police service in terms of its ability to address them. The successful management of policing risks is fundamental to effective policing, and the first step of that management process is risk assessment.

3.3   The police service, perhaps as a direct consequence of its emergency response role, has built up a wealth of experience and expertise in crisis management. To an extent though, its effectiveness can only ultimately be tested when incidents actually happen and so where the risks and consequences of failure are at their highest.

3.4   It is not surprising, therefore, that the service puts significant effort into ensuring that the proper preparatory arrangements have been made to manage such incidents as effectively as possible when they occur. These incidents may be (and often are) critical to our safety, sometimes only within local communities, at other times nationally, more commonly, both.

3.5   Success in this kind of preparation relies on a clear understanding of the likelihood of such events occurring, the level of impact they may have and what resources are required to deal with them.

---

4   Description of NIM is available in HMICS Thematic, *Common Knowledge*

3.6   Experience provides us with a series of lessons where the response to a significant incident has highlighted deficits in the ability of the police to recognise risk. Many of the improvements that we now see in how vulnerable witnesses and victims are dealt with, in how information across police areas is managed and how those commanding high-risk events or investigations are selected and trained, arise from lessons learned or good practice developed following such failures or shortcomings.

3.7   The risk of such failures cannot be removed completely, but all policing stakeholders can and should continually strive to reduce the opportunity for them to occur. The assessment and mitigation of risk is therefore an essential component of policing. It is an area in which there is a greater reliance today than ever before on expertise both technically, e.g. through analysis, and in terms of the professional judgement and decision-making based upon this analysis.

Range of risk

3.8   Through this review we have identified five different categories of risks which, in our view, are most relevant to our terms of reference and are illustrated in Figure 2. We acknowledge that there are many other risk areas, for example, health and safety and business continuity, which police services also need to manage, but for the purposes of the review we shall concentrate on these five.

Figure 2. The different categories of policing-related risks in Scotland

3.9   In a policing context, the most obvious category of risk from Figure 2 is that of operational risks. These relate directly to the fundamental role of the police and span the range of police activities, from major crime investigations to volume incidents such as vandalism, road collisions, housebreaking and missing persons. Most crime and disorder risks are assessed and prioritised through the different levels of the NIM, with the more significant risks outlined in the Scottish strategic assessment (SSA). However, the NIM has not yet developed to take sufficiently into account non-crime operational risks such as road casualties and long-term missing persons.

3.10 Nevertheless at least some of the risks which may have significant impact on widespread parts or all of the country, whether or not they are crime-related, are assessed by the UK and Scottish Governments and comprise the national risk assessment. These we have termed national risks, and currently the following are identified as the most significant:

- pandemic influenza;

- extreme weather events;

- terrorist incidents/chemical, biological, radiological and nuclear accidents (CBRN); and

- utilities failure.

3.11 We also propose that within policing, as with many professions, there are some enduring risks related to organisational activity that may affect public confidence if there are perceived to have been service failures. In policing, these activities might include the deployment of armed officers, the care of substance/alcohol abusers in custody, or performance in relation to diversity – we have termed these enduring professional risks. Whenever these risks transcend force boundaries or have implications for national policing policy they too become national risks.

3.12 Further, there are the risks common to non-completion or slippage of major tranches of work. Such risks are apparent in the information and communications technology (ICT) convergence strategy being overseen by the ACPOS Business Change Board and in the work to assess the business benefits anticipated from the Airwave Programme. Both are programmes designed to deliver the essential infrastructure required to enable the police to operate efficiently. Slippage in these areas – what we have called programme risks – would have a detrimental effect on the overall efficiency of the police. Programmes limited to a single force can be risk-managed within that force's management and governance. But again, whenever national risk is involved it has to be managed nationally (as currently with ICT convergence and previously with the introduction of Airwave[5]).

3.13 The final area of work that needs to be brought into the holistic assessment of risk is that of organisational risk. This refers to the management and development of associated demands on policing resources, e.g. financial issues like the costs of maintaining the police estate, or the risks arising from major policy, such as implementing Summary Justice Reform.

How these risks are assessed

3.14 Police forces and services, both locally and nationally through the NIM strategic assessment process, have become accustomed to assessing risk arising predominantly from crime and disorder threats (operational risks).

3.15 The investment in NIM over recent years has resulted in analytical processes and products providing a much greater understanding of crime-related risks such as those arising from organised crime or anti-social behaviour. However, we found limited evidence to suggest that there is a systematic and overall consideration of national and high risks facing the service and its partners. For example, the number of outstanding arrest warrants at any one time across Scotland, or the threat from bogus workman/official crime, is not being considered nationally to any consistent degree.

---

5 Airwave Communications System

3.16 Risks are currently addressed differently. For instance, much of the organised crime threat is tackled via the Scottish Strategic Tasking and Co-ordinating Group under the auspices of ACPOS. In addition, many policy issues such as training are also considered by ACPOS but under its Personnel and Training business area.

3.17 ACPOS is well placed professionally to make sound national judgements based upon the limited data available and increasingly welcomes Scottish Government and Crown Office and Procurator Fiscal Service (COPFS) representatives to its business area meetings. Nevertheless, it makes these decisions as an individual body and with varying levels of input from other elements of the tripartite structure. Respondents to the stakeholder survey also identified the importance of enhancing current risk assessment processes and more effective co-ordination of intelligence and data-sharing between organisations.

3.18 Even where there is risk assessment, a lack of comparative data on the high level costs of different delivery options means that decision-making is not well informed.

3.19 In addition, we found little evidence of any risks being assessed jointly with the other two parties of the tripartite arrangement, namely the Scottish Government and members of police authorities/boards. As responsibility for funding police services lies with these organisations, there is currently no direct link between decisions on funding and assessment of risk.

3.20 Our overall view is that currently policing risks at a national level are being assessed by ACPOS alone and on the basis of a significantly incomplete picture.

3.21 The full range of risks needs to be considered at local and national level if decisions about the resources needed to manage them are to be properly informed.

3.22 While there is some assessment of forces' capacity and capability to respond to the operational risks identified through the NIM process, it is generally underdeveloped. Some of this is because non-crime operational risks are not yet fully identified, but mostly this is due to a lack of analysis of cost. Costing has to be applied to both the options to respond to the specific risk and the other policing activities against which responding to the specific risk must be balanced. The remit for this review is specifically intended to seek ways to avoid resources being diverted from local and community policing when dealing with regional or national contingencies. At the moment these have neither been properly risk assessed nor catered for as a result of any assessment. The majority of respondents to our survey expressed the view that the provision of specialist and expert policing from outside the local force would help maintain consistent levels of local policing (Graph 1).

Graph 1. [Q18 In-service Survey]

If some specialist and expert policing were provided from outside my force it would be easier to maintain consistent levels of police officers working in our local communities
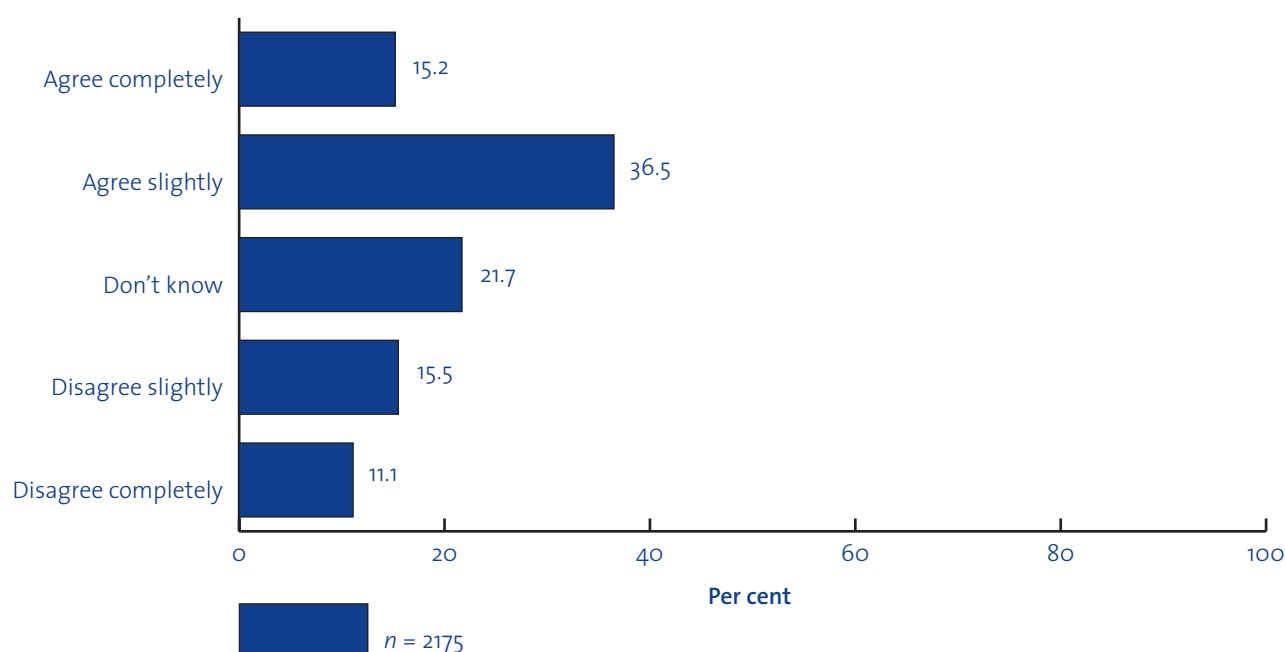
3.23 As well as a lack of understanding of the true costs of policing activity, there is insufficient analysis of the effectiveness of different policing approaches.

3.24 One force developing a systematic way of looking at risk management is Grampian Police. Here, work is being undertaken to bring together various forms of operational and organisational risks. While at an early stage, practitioners spoke enthusiastically about the greater level of oversight that this allowed. HMICS has previously commended the force for its broad approach to risk management.[6]

3.25 However, in most other forces gaps in knowledge and understanding remain. Although some of these gaps are local, the resulting aggregated national picture inevitably has greater shortfalls and is therefore potentially the more acute issue. We therefore conclude that a broader and more detailed analysis of risk is needed. In our view, it is possible to do this, though we accept that some of the key data on the impact of service standards and the development of high level costs, as discussed elsewhere in this report, will not be available immediately.

3.26 We believe that bringing all these matters into a single forum will help to establish a better overview of what is being done, what needs to be done and, from that, how best to prioritise and provide resources for subsequent actions.

---

6   HMICS (2006) *Grampian Police Primary Inspection*, paras 2.13-14

Conclusion

3.27   In our view, if those charged with statutory responsibility for funding policing in Scotland are to make sound judgements on balancing resources between visible policing in communities and ensuring equal access to specialist expertise, they will require a more holistic understanding of the risks in these two areas of policing than is currently possible.

3.28   In addition, in the absence of a national forum where matters that pose significant risks to policing Scotland can be properly assessed and mechanisms for their management agreed, Scottish Ministers will continue to be accountable for risks of which they are not fully apprised.

Chapter 4

Managing the risks – the police service in Scotland

Summary

- Police services are primarily delivered by the eight police forces in Scotland, although this formal structure hides a more complex service delivery framework around three different levels – local, regional and national.

- A significant amount of effort is devoted to managing risks at a local level, mostly through working in partnership with other agencies.

- However, a range of approaches has recently been adopted for dealing with those risks that require more specialist resources than are normally available: forces acting individually through inter-force collaborations; chief officers acting in unison for co-ordination through ACPOS; and the creation of the SPSA through the co-operation of the tripartite partners.

- ACPOS understood the need to review capacity and capability across forces in Scotland as far back as 2005. Since then, however, progress in implementing recommendations has been slow and HMICS cannot provide assurance that risks are being effectively managed.

How policing is delivered in Scotland

4.1   Policing in Scotland is delivered primarily by the eight forces and the Scottish Police Services Authority (SPSA). Forces provide the majority of their local services, such as community policing, response policing (answering calls for service) and investigating volume crime, through geographical units known as divisions, command units or command areas. The SPSA provides services covering forensic science, police training, information and communications technology and national databases, and maintains the Scottish Crime and Drug Enforcement Agency (SCDEA).

4.2   Generally, policing is devolved to the Scottish Government, although some matters such as counter-terrorism, drugs legislation and national security are reserved and remain under overall co-ordination at the UK level. In addition, other forces operate in Scotland as part of the UK Government provision, such as the Ministry of Defence Police, British Transport Police, and the Civil Nuclear Constabulary. The Scottish Government also has arrangements with the Serious and Organised Crime Agency (SOCA) to manage most of the risks associated with international criminal activity. This review has not included the UK level of policing since this is not a devolved matter.

4.3   The current force structures have been in place since 1975, however, the risk environment has changed substantially since this time, as highlighted in the previous section. Forces have therefore had to adopt a range of approaches to enable them to operate effectively in this changing environment. This has led to a number of layers of service delivery developing as different needs arise, rather than as part of a cohesive design.

4.4   Within the formal framework of the eight forces and the SPSA, we identified eight different levels of service delivery that can be grouped under the three headings of local, force/regional and national:

Local arrangements:

- Local policing services within divisions that directly support CPPs and SOA outcomes.
- Local policing within divisions that may contribute generally towards, but does not directly support, SOA outcomes.

Force/regional arrangements

- Force-level services, e.g. force communications centres, drug squads.
- Force-level arrangements with other partners, such as local authorities or the fire and ambulance services, to provide services or share buildings or other provisions.
- Multi-force or regional collaborations, e.g. in relation to firearms or major crime services.

National arrangements

- National arrangements delivered through the Scottish Police Services Authority, such as forensic science services or SCDEA.
- National arrangements co-ordinated by ACPOS, such as the Major Investigation Co-ordination and Development Unit (MICDU), the Scottish Police Information and Co-ordinating Centre (S-PICC) and counter-terrorism activity.
- National arrangements led by the Scottish Government – e.g. national emergencies and national crime prevention initiatives. Although not strictly service delivery the following also have a major influence: the Serious and Organised Crime Task Force, the Sex Offender Programme Board and the Scottish Strategic Steering Group (for the development of police performance management).

4.5   How risks are managed at these different levels is described in the following section.

Local arrangements

4.6   Through the statutory requirement to participate in community planning and the recent development of Single Outcome Agreements (SOAs), police forces have to work closely with the 32 local Scottish councils. Forces have worked hard to align their divisions (or equivalents) so that they map on to local authority boundaries. However, some council areas are too small to support a viable division, while others are so large and complex (either through demography or geography) that they require more than one division. The breadth of variation is illustrated by the fact that two of the smaller forces each cover only one local authority area while the two largest forces cover 17 of the 32 local authority areas in Scotland between them.

Figure 3. Local delivery of policing services

Community planning partnership level with SOAs
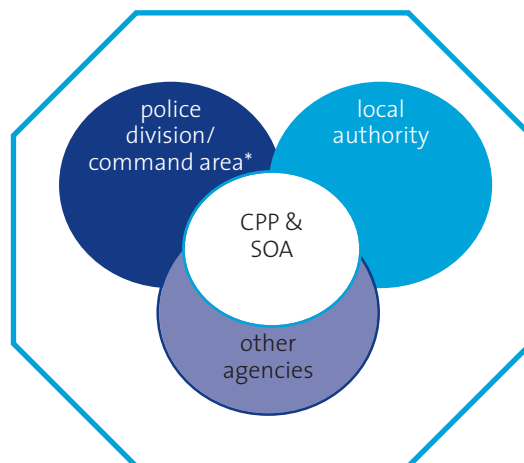
** or part of division/command area or Fife or
Dumfries and Galloway Constabularies*

4.7 This range of scale has resulted in a variety of local structures, with some community planning partnerships (CPPs) being served by more than one territorial policing division, and some policing divisions covering more than one CPP.

4.8 Although SOAs are relatively new, the time, the policy focus and the effort being spent on developing these arrangements suggest that they will quickly become more significant. This view was reflected in responses from the stakeholder survey. A key feature will increasingly be the ability of local authorities in particular to prioritise the allocation of resources across different services in order to achieve agreed outcomes.

4.9 For policing and other services this could see funding rise or fall locally, as decisions are made as to what the priority areas are and what combinations of services will be most effective. This is a very different form of funding arrangement from that to which police forces have been accustomed.

4.10 We noted that the strategic and business planning in some forces was shifting in focus to the CPP level, with the results then simply aggregated to produce force-level plans. Others reported that their force-level planning had been adjusted to take account of the greater influence of SOAs.

4.11 Police forces in Scotland have been committed to partnership working for many years, whether at local authority level, with criminal justice partners or with other emergency services. More recently, community planning has been strongly supported and promoted by forces and individual chief officers. The introduction of NIM has offered the police a means of helping local partners to assess and manage community safety and crime risks.[7]

---

7   see *HMICS Thematic Inspection Report on information and intelligence sharing 'Common Knowledge' published in March 2007*

4.12   However, there are other functions and activities undertaken at divisional level that are not always or ever covered by CPPs and their SOAs. The pull of funding for the type of policing that most clearly contributes to SOA priorities may well have an impact on these or other core policing functions provided or undertaken at force level unless alternative funding streams or arrangements are put in place (e.g. motorway policing, emergency planning and exercising, management of cases reported to the procurator fiscal).

Force/regional level arrangements

4.13   Currently, all eight forces have an almost entire range of support services. These range from single or linked force communications centres, through drugs squads and dog handlers, to back-office functions like human resources and finance departments.

4.14   Scotland's police forces already have a level of in-built asymmetry, with Strathclyde being roughly equivalent in scale (workforce and population) to all the rest put together. Some of the larger forces have increased the size of their territorial policing divisions (for greater alignment with local authorities and to provide economies of scale) to the extent that some of these divisions are now larger than the smaller forces.

4.15   Given the disparity in their sizes, most forces have entered into agreements to work together to manage some operational risks, as explained further below.

4.16   Some chief officers told us that they felt that the diversification of arrangements for providing specialist policing represents a stepping stone to a more simplified structure; others that the range of approaches adopted is a strength.

Collaborative arrangements to meet the need for specialist resources

4.17   There have always been some low activity specialisms (e.g. underwater search, air support) that would be impractical and uneconomic for all eight forces to sustain individually. Consequently, there are already a small number of agreements, formal and informal, on how these specialist services can be shared between forces.

4.18   More recently, several forces have entered into various further formal and informal agreements, with different groups of forces delivering some specialist policing services either jointly or by a lead force. These collaborations are intended to address risks identified through the NIM process or by HMICS which have highlighted a lack of specialist capacity and capability in some forces (e.g. firearms response cover, VIP protection, arrangements for handling confidential intelligence sources).

4.19   The need for some services to be provided collaboratively was also recognised by respondents to the in-service survey.

Graph 2. [Q20 In-service survey]

Some specialist and expert services would be better provided by police forces working together
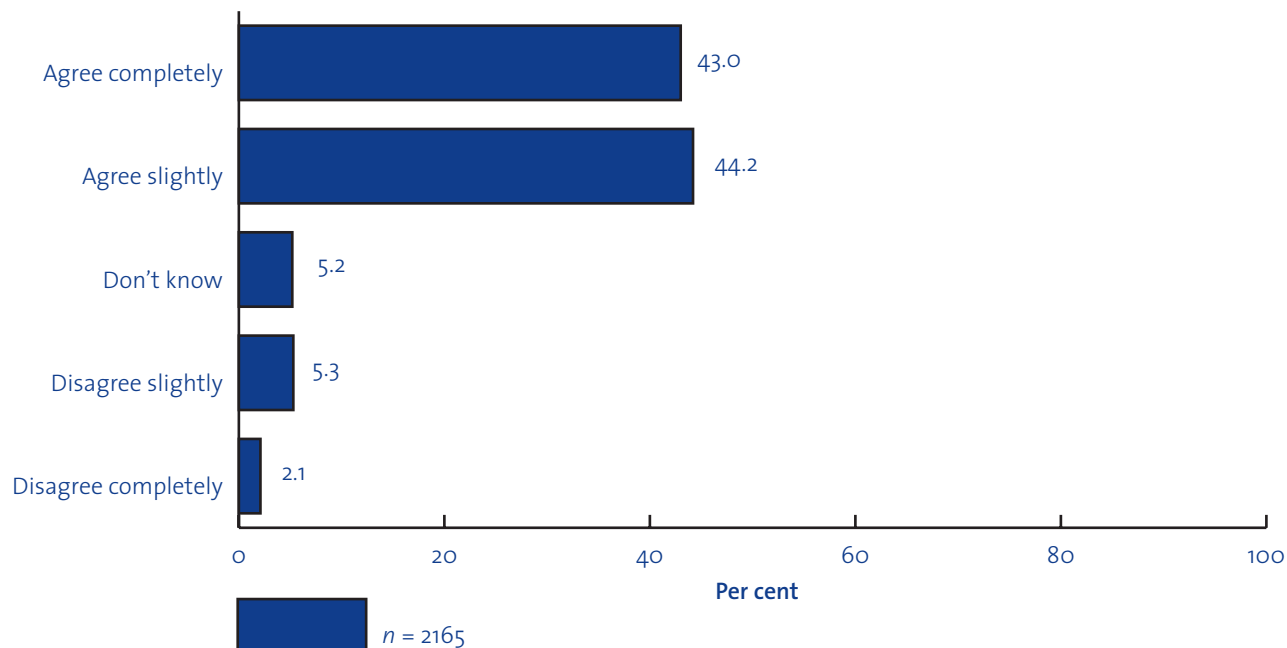
4.20 There are a number of reasons behind this increase in collaborations:

- the increasing complexity and cost of some services such as major crime investigation;
- that because some risks, such as complicated homicide investigations, CBRN incidents, and armed hostage sieges are infrequent it is uneconomic for some forces to maintain the necessary levels of expertise;
- in some types of specialist police functions, the requirement for specific training and experience is more important than whether officers live and work locally;
- some demands extend beyond a force area, such as organised crime, serious fraud and internet child abuse; and
- some forces are better able than others to provide specialist policing.

4.21 The ability and willingness of police forces across Scotland to pull together in the face of a significant incident is a recognised strength. This is founded upon a combination of agreements relating to sharing resources in 'mutual aid', the professional ethos of policing generally, and the co-operative professional relationships between chief officers. However, we are concerned about the ad hoc nature of some of these collaborations. Currently, there is no overall, national assessment of the situation and therefore no judgement being made about what the cumulative benefits and risks of unco-ordinated collaboration are likely to be. Neither is it clear whether there are other options which might prove more effective and efficient.

4.22 The current organic approach to creating and implementing regional collaborative arrangements may offer a broad base from which to evolve best practice. However, decisions on collaboration should be based on agreed criteria and robust options appraisal, so that any need for specialist policing support is considered and assessed in totality at national level in order that police resources are used to best effect.

4.23 In essence, an internal market is developing between providers and receivers of some aspects of policing. Our concerns are not just that this process has been poorly underpinned because of weaknesses in information about need, costs and standards, but that in principle policing is too important to rely on 'market forces' to deliver an equitable, fair and sustainable service across Scotland.

4.24 In our view, collaborative arrangements are fundamental decisions that affect policing across Scotland and should not be made without a full and consistent approach to analysing national risks and needs.

National level and cross-border arrangements

4.25 There are a number of different national arrangements for providing or supporting policing services:

- Some national services, as previously described, are delivered through or maintained by the SPSA.
- Some national arrangements are delivered through agreements within ACPOS, e.g. counter-terrorism; response to chemical, biological, radiological or nuclear (CBRN) incidents; and the activation, command and staffing of the Scottish Police Information and Co-ordinating Centre.
- Some co-ordination of services is led by the Scottish Government (e.g. the Serious and Organised Crime Task Force).

4.26 Individual aspects of national risk have previously been identified from time to time by the Scottish Government through various fora. Though these have then been acted upon, often with partners, there is not yet a systematic means of considering all of these selected risks together and alongside other national policing risks. The groups concerned are usually led or co-ordinated by the Scottish Government as the senior member of the tripartite partnership at national level. They tend to deal with such matters as the threat from serious and organised crime, national crime prevention campaigns, and national emergency co-ordination.

4.27 Although not strictly concerned with direct service delivery, the following groups led by the Scottish Government also have a major influence: the Sex Offender Programme Board, the Scottish Strategic Steering Group (for the development of police performance management), and the National Criminal Justice Board. Not all of these are solely concerned with policing alone. For example, where crime investigation is part of the equation the Lord Advocate is represented because of his or her primacy in that function. The main bodies involved in such arrangements are depicted below (Figure 4).

Figure 4. National level – arrangements
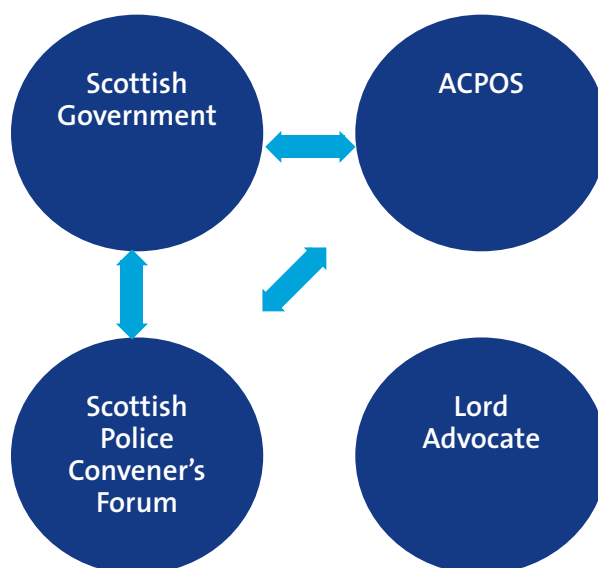
Managing capacity and capability

4.28   The move to build a greater understanding of police capacity and capability across Scotland was first instigated by ACPOS following a letter from the then HMCIC, Andrew Brown CBE QPM, in September 2005. This followed related and previous work carried out by HMIC in England and Wales.

4.29   ACPOS generated five workstreams in its review of capacity and capability which, at the time, were considered to be those where the gap between the level of risk and the capacity of the service to deal with that risk were greatest. These workstreams covered serious and organised crime, police use of firearms, maintaining public order, counter-terrorism and investigating major crime.

4.30   In many cases, the workstreams chosen already benefited from a high degree of codification supported by national manuals and guidance. It might be reasonable to assume therefore that, three years on, significant progress would have been made across all these areas. However, closer examination of three of them reveals the following:

- In relation to the police use of firearms, we have taken full cognisance of the current thematic inspection of this issue. Within this area, the key findings as detailed in case study 1 illustrate a current and significant gap in a high-risk area, despite a dedicated work stream being managed by ACPOS over a number of years to prevent this.

- In relation to investigating major crime, we recognise that ACPOS has recently established the MICDU as its principal response to this workstream. Again we are concerned that three years since the issue of capability and capacity was directed to ACPOS from the then HMCIC – Andrew Brown, the MICDU is only now just commencing its work. Further, a key source of this information, arising from the debriefs of major incidents over the intervening three years is significantly incomplete despite this being an ACPOS driven activity. This issue is detailed further at case study 2.

- In relation to organised crime the most recent assessment of the threat posed, when compared with the service's ability to respond (principally through the SCDEA) suggests that significant development is required. We are concerned that this is the current position despite ACPOS managing a specific work stream to counter this threat since 2005.

4.31   In addition to the above, we note the wider recent concerns over progress of our recommendations in relation to the national capability to counter fraud within Scotland. We also take note of the current joint inspection work in relation to public protection arrangements across Scotland.

4.32   We conclude that, with some exceptions, overall progress has been slow with notable gaps in significant areas such as risk assessment. When all of the above are considered, despite considerable effort, the breadth, depth and pace of work to ensure that policing across Scotland keeps ahead of the risks that it is facing, appears at best, uncertain.

4.33   There may be many reasons for this, not least the fact that ACPOS as an organisation has limited resources. As a result, the vast majority of the considerable amount of work which it undertakes is carried out by chief officers and their staff from individual forces, who have to balance the need to conduct ACPOS work with other demands from their own force.

4.34   This inevitably means that work cannot be conducted as quickly as it might be if there were dedicated staff working on it full-time. The issue of resourcing may have affected the opportunities for the five areas to be considered holistically in order to identify and exploit common threads (e.g. opportunities to co-ordinate the logistics and mobilisation of national capacity, or for shared resourcing of an intelligence capability to serve more than one national need).

4.35   The progress made in firearms and major crime investigation is examined in the following case studies.

Case study 1 – Police use of firearms in Scotland

Police use firearms when the public must be protected by armed officers, officers may themselves require to be protected, or firearms are required to resolve an incident where life is being endangered. Their use is also accompanied by an expectation that lessons learned in this environment are acted upon swiftly to minimise future risks to both the public and police officers.

Prepared by the Association of Chief Police Officers (England, Wales and Northern Ireland) (ACPO) and adopted for use in Scotland by ACPOS, the policy and guidance for the police use of firearms is better developed and recorded than many other areas of police work, partly because of the learning process mentioned above.

The recorded policy and guidance covers not only the police approach to use of firearms, but also incident command structures, training of officers and the ongoing process of ensuring that risks are identified and managed.

ACPOS recognised the importance of this area of work in 2006 and conducted a review, making 8 recommendations to improve. One of these recommendations was that HMICS should inspect the progress made by 2008.

HMICS's thematic inspection[8] found that while there was a considerable amount of high quality work being delivered, especially at operational level and that forces have made considerable improvements to the training processes, progress regarding some strategic issues was slow e.g. the provision of armed support to surveillance operations. This is by its very nature a specialised and high-risk activity, with surveillance generally targeted at the most significant criminals, many of whom are known to use or have access to firearms.

HMICS first noted a need to improve this area of police work in an inspection of the Scottish Crime and Drug Enforcement Agency in 2003. The recommendation for improvement was reviewed twice, most recently in 2006, with HMICS reiterating and further emphasising the need for improvement. Despite this, when conducting the thematic inspection on the police use of firearms in winter 2008, HMICS still found that no force other than Strathclyde was able to actively mount an operation of this type in any manner other than a most basic fashion.

In contrast, over the same period, several forces have established armed response vehicles to provide improved response to spontaneous incidents requiring the involvement of armed officers.

So despite considerable progress on several fronts, significant identified risks remain unaddressed after several published inspection reports on the matter.

Forces are fortunate in the arena of police use of firearms because of the formal guidance that is available. Each force should prepare and maintain a Strategic Firearms Threat and Risk Assessment, the content of which is informed by guidance from the National Police Improvement Agency. This gives a clear structure and accountability mechanism to inform decisions taken regarding the police use of firearms.

---

8   *HIMCS – 2009 – Thematic Inspection – Police use of firearms in Scotland*

Although this guidance has been available since 2006 and relates to annual preparation of a threat and risk assessment for continual updating, HMICS found that several forces had not completed their documents to the required guidance or standard. This leads into question any subsequent decision taken by such a force in respect of their use of firearms.

The result is that in several forces HMICS could not conclude that the availability of armed resources was linked to the need in that area or that the country as a whole was adequately served.

In the thematic inspection, HMICS endorsed the earlier recommendations made by ACPOS in 2006, but found that the recommendations, while being progressed, could not all be discharged.

While forces progress at different speeds and with different needs, most forces and the country as a whole, cannot account for the need they have for armed options or how they would intend to deliver these services.

Case study 2 – Major crime investigation

In adopting a common methodology for major crime investigation, one of the practices which ACPOS recommended to Scottish forces was that they should undertake a debrief of major crime enquiries when these were concluded or scaled down. The Association produced guidance on how these should be conducted. These debriefs are intended to provide forces locally and the senior management of the service nationally, with a highly relevant and rich source of information about good and poor practice, as well as a vital assessment of the service's current capacity and capability.

With one or two exceptions, the quantity and quality of information that forces recorded from their debriefs, where they held them at all, was assessed by the review to be poor. Those forces that did systematically carry out debriefs benefited from the objective evaluation by their own expert practitioners and managers which pointed to positive and negative aspects of their investigative processes and systems so that necessary adjustments could be made.

It is inevitable that experiences of most major crime investigations will have value beyond any given force area and that some may have national implications. However, neither HMICS nor the service can make that assessment with any degree of confidence in the absence of wider and systematic implementation of the ACPOS guidelines on debriefing and the data that this could provide.

Additionally, the ACPOS debrief guidelines specifically recommend the participation of other criminal justice agencies such as COPFS. We found the realisation of this valuable opportunity disappointingly infrequent. In many cases the debrief record specifically stated that there were no COPFS related issues yet, since COPFS staff had not been invited to the debrief, it was difficult to see how this judgement had been made. As part of this review we sought views from senior COPFS staff as to what they considered to be relevant issues both locally and nationally in the police management of major crime. They highlighted areas of concern such as disclosure in relation to major crime whereas, by contrast, a number of forces seemed relatively content with their existing arrangements.

These debriefs should contribute to a more holistic and useful overview of not just how an incident was managed but its wider impact on the force. To that end the broadening of the criteria for the debrief report should include what the impact was not just to the host division or specialism, but more widely across the force. Linked with associated work discussed later in this report, it should also include the cost of the enquiry.

4.36   The review also examined progress made in respect of matters addressed by the serious and organised crime workstream. Here too we would argue that recent analysis shows the challenges to policing to be as great now, perhaps even more so, than they were three years ago. (Due to the sensitive and restricted nature of the evidence behind this conclusion, it cannot be reproduced in this report.)

4.37   As already stated, we accept that it can be difficult to co-ordinate activity across such structures as ACPOS, and that this is exacerbated when the problem being managed is also changing, at times, quite rapidly. Indeed we believe this further points to the need for the more focused, direct and dynamic response that we have proposed.

4.38   Overall, we do not believe that the gaps highlighted are the result of the inactivity or poor performance of any particular organisation or leadership. Rather, when linked with the lack of coherence of the overall programme, we suggest that these gaps illustrate the difficulties ACPOS faces in trying to pursue matters collectively, under existing arrangements and structures and where forces and their chief officers have differing views and local policing contexts.

4.39   Beyond the original five workstreams, new areas of risk such as public protection, asset confiscation[9] and internet crime are clear candidates for assessments of capacity and capability at both local and national level. So too are existing areas such as serious fraud,[10] financial forensic investigation, proactive intelligence analysis and exchange on unsolved sexual offences – all of which were suggested to us by one or more forces and stakeholders during this review.

Conclusion

4.40   The absence of data to support wider and longer-term decision-making is commented upon in several parts of this report. In terms of capacity and capability, it has two major implications for the review:

- HMICS cannot discharge its duty to provide Ministers with the best possible advice on how to deliver effective policing for Scotland.
- HMICS cannot give assurance that decisions, even incremental ones, on collaborative arrangements or services co-ordinated by ACPOS, are currently being made under the best possible conditions.

4.41   Given our concerns with progress on both collaborative arrangements and ACPOS-led capacity and capability-building, we conclude that different arrangements are required in order to assess and then manage how policing should respond to some of the highest risk areas. Our proposals for how this should be done are summarised in the last chapter of this report – the way forward.

---

9   See HMICS and Prosecutions Inspectorate joint Thematic Inspection report on Asset Confiscation to be published in early 2009 at
    http://www.scotland.gov.uk/Publications
10 See HMICS *Thematic Inspection report on Serious Fraud*, published May 2008, at
    http://www.scotland.gov.uk/Publications/2008/05/09105454/0

Chapter 5

Standards

Summary

- Standards are important as a mechanism to promote consistent service delivery across Scotland and to support effective scrutiny and governance of police services.

- The lack of agreed standards has had a detrimental impact on the ability of police services to demonstrate that they are delivering good quality services across Scotland.

- The work that ACPOS is already undertaking to develop standards is key to the broader understanding and management of risk, and needs to progress more quickly.

- The absence of standards across the range of policing services means that decision-making on resources is not properly informed.

The importance of standards

5.1   In the context of this review, standards are considered to refer to universal processes and desired outcomes rather than performance indicators or statistical measures (although these are also important). So, for example, the Scottish Policing Performance Framework is not, in itself, a standard, although it may report on the performance of individual forces in meeting agreed standards.

5.2   In our view, standards for police services are important for a number of reasons:

- increasingly there is a recognition that geography should not determine the availability and quality of public services that individuals and communities receive (see Appendix C – stakeholder questionnaire response analysis);

- as policing becomes increasingly locally focused through SOAs, common standards allow forces to act jointly in an effective way, where this is required (e.g. as when responding to public order challenges across Scotland during the G8 Summit in 2005). At one force workshop we heard that standards can act as 'the glue' through which the service as a whole retains its unity of purpose;

- the cohesion that standards bring is also fundamental to the service's ability to improve and professionalise, continuously and consistently, the way in which it carries out its core functions;

- it is only when a clear statement of what the police will deliver for certain policing functions is made and implemented consistently that the service, and crucially police authorities and boards, can gauge what are the real resourcing implications;

- as locally focused governance and accountability bodies, police authorities and boards have little information about what they should expect of their forces and whether their services are as good as those elsewhere in the country; and
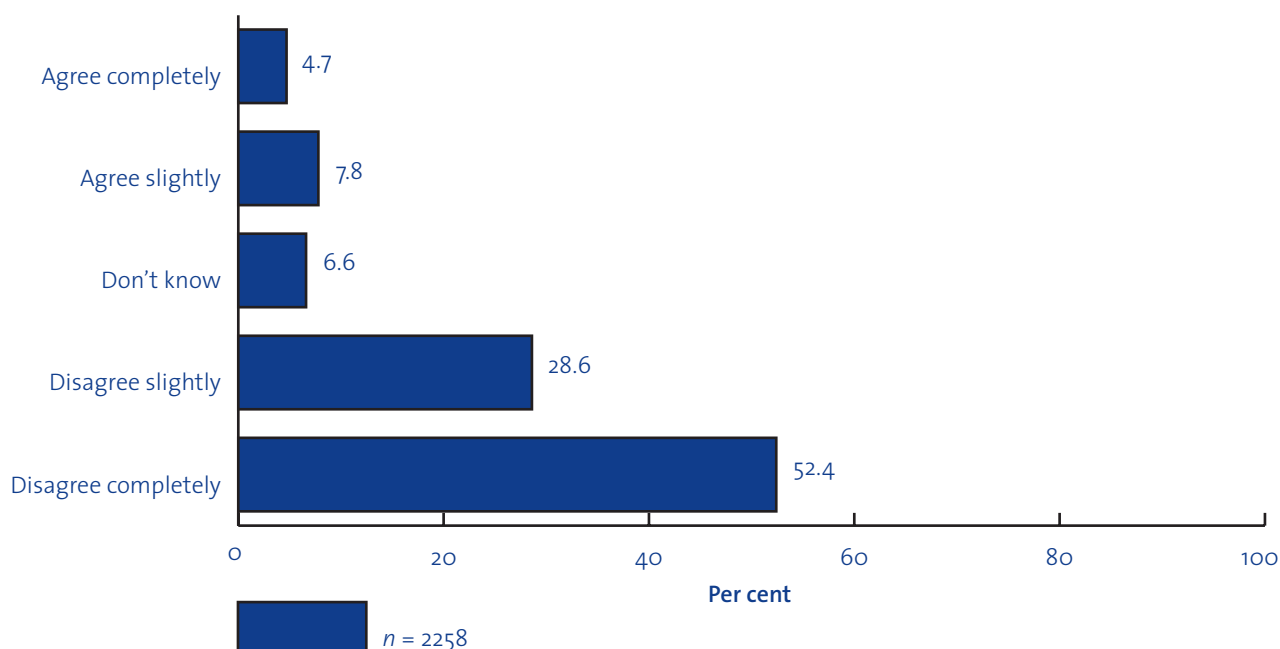
- there is evidence to suggest that the public do not always understand what they can expect from the police. This has a number of implications for a public service which seeks to be user-focused:

  – first, people have a right to know what they can expect when coming into contact with the police;

  – second, in the absence of published standards, unchecked public expectations of what the police can and should do, can at times be unrealistic; and

  – third, without standards to refer to the public may not value the service they receive where it exceeds the norm.

5.3   A number of stakeholders in our consultation process strongly advocated the introduction of service standards: *"setting standards is essential so service planning and delivery can be measured against a robust definition of service expectations…"* (City of Edinburgh Council); *"an approach based on robust self-evaluation and performance monitoring, complemented by a degree of external inspection, should underpin service standards for all public services"* (Solace) (Appendix C).

5.4   In addition, the majority of those who responded to our in-service survey also supported the idea of common service standards across all forces.

Graph 3. [Q12 In-service survey]

There is no need for shared common standards of service delivery across forces

Response	Per cent
Agree completely	4.7
Agree slightly	7.8
Don't know	6.6
Disagree slightly	28.6
Disagree completely	52.4

Per cent (0 to 100)

n = 2258

5.5   Furthermore, and as supported by the most recent Justice Committee report into community policing,[11] we do believe that there is a real desire from the public to have a clearer understanding of how the police operate in their area and what they will do when contacted about a crime or other police matter.

---

11   18th Report, 2008 (Session 3), *Justice Committee of the Scottish Parliament, Report on Inquiry into Community Policing*

5.6   Standards already exist for some policing services, so in that regard they are not a new concept. Moreover, since ACPOS is already working to produce further standards we feel that it is a case of working with the existing momentum rather than creating a new one.

Concerns raised in relation to standards

5.7   Some participants in our interviews and workshops expressed concerns about the introduction of common standards. These fell broadly into three areas:

- that common standards might not allow the different needs of different communities to be met;

- that too much consistency discourages innovation for improvement; and

- that applying a 'minimum' standard might lead to a drop in the quality of services provided in areas where this was currently exceeded.

5.8   These are all legitimate concerns that should be taken into account when developing and implementing standards. However, standards that concentrate primarily on service delivery outcomes, rather than the processes in place to achieve these, could undoubtedly offer scope for greater local flexibility and innovation.

The current position on the development of service standards

5.9   HMICS acknowledges the work to develop service standards that ACPOS has undertaken since 2007. During our workshops with forces, it was apparent that many chief officers considered this work to be vital to the advancement of policing in Scotland.

5.10   We also share another opinion commonly expressed during these workshops, that the development of standards is the primary step to defining how, and from where, specialist policing services might most effectively be delivered. Standards should also help the service to calculate the cost of its various functions and make it easier to assess its capacity and capability. We note that some forces are taking steps to develop this understanding.

5.11   We are concerned, however, that the pace of this work appears not to match the priority it merits. We understand that an early project document is due to be produced by February 2009. However, this will only identify a development process, rather than the production of any standards. This latter task, we understand, will thereafter be assigned across the ACPOS business areas.

5.12   This timetable means that information on the cost and ease of implementing the standards is unlikely to be available until late 2009 at the earliest.

5.13   We cannot make judgements or recommendations about the provision of specialist policing services across Scotland without an understanding of the impact, including the costs, that standards will have individually and collectively on forces.

5.14   We are equally concerned that forces are continuing to enter into local agreements on specialist service delivery in the absence of both of the standards themselves and any appreciation of what their impact will be nationally.

Lack of standards – impact on resources

5.15   A common feature of specialisms such as firearms and public protection is that they are designed with clear structures, standards and very often their own audit regimes. These better defined and more developed mechanisms enable forces to identify the resources required to deliver these specialisms against the agreed standards. In a world where resources are limited, it can therefore be easier for these specialised services to attract the appropriate level of funding or investment, compared with other less defined services.

5.16   Conversely, the absence of standards for mainstream policing functions leaves it susceptible to resources being diverted away from these functions to meet the demands in more defined areas. If realised, this tendency, when applied to response and community policing (functions that the public and many in the service see as absolutely fundamental) would be a matter of significant concern.

5.17   The importance of locally connected mainstream policing was supported by respondents to the in-service survey.

Graph 4. [Q15 In-service survey]

I believe that members of the public in my force area like the fact that, on the whole, policing is carried out by local officers

Per cent

n = 2186
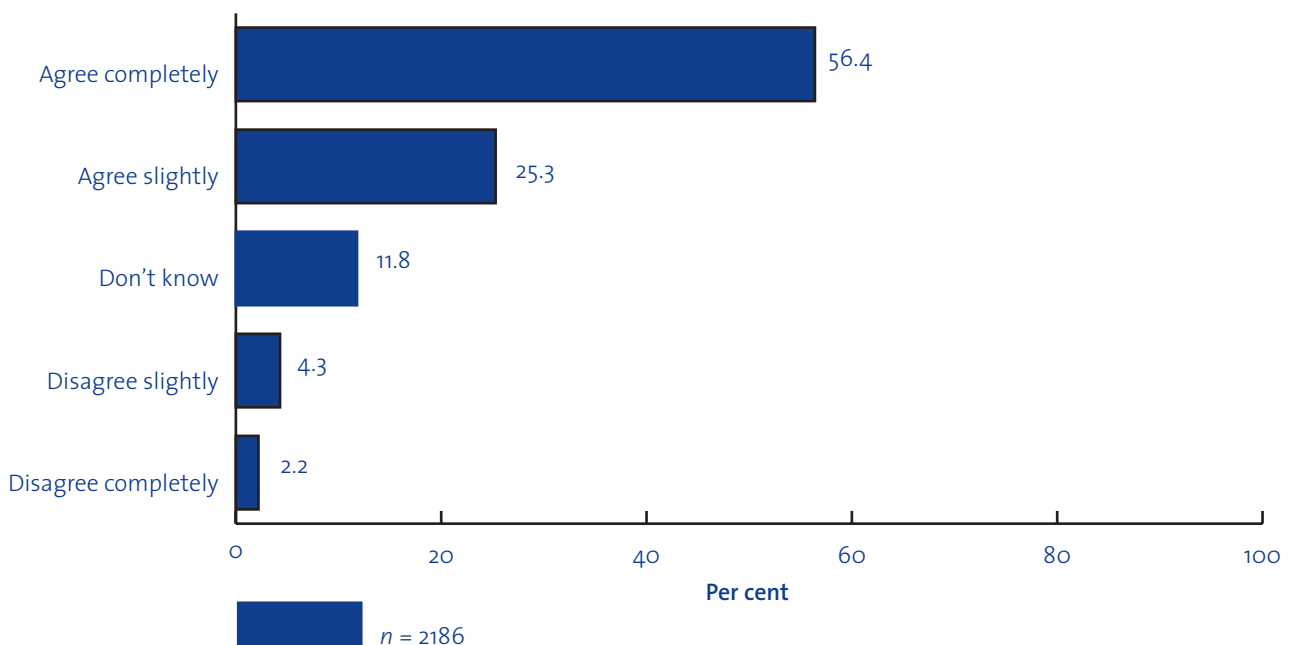
5.18   Service standards which cover the broad range of policing activity should help to redress this potential imbalance by creating a level playing field where local policing services are just as well defined as specialist policing services. This does not mean that decisions on allocating resources between the two will be made easier – these will always be difficult – but it does at least mean that they will be better informed and so more easily defended or reviewed where necessary.

Monitoring standards

5.19   We also recognise the potential for service standards to help forces carrying out their self-assessments, as introduced by HMICS in 2008. This should directly reduce the impact or 'burden' of inspection because:

- the monitoring of publicly available standards should encourage and influence a visible reduction in any unjustified variation in policing and so also reduce the changes arising out of inspection; and

- the use of common standards in self assessment will provide a stronger and more readily available evidence base for bench-marking so as to contribute to forces' own continuous improvement programmes.

Conclusion

5.20   Arguably, the lack of standards has led to the service absorbing new areas of demand, so giving an impression of greater capacity than it actually has. Introducing standards would provide a more holistic, longer term, and consistent focus and should promote a better balance of resources for and between the various major strategic change programmes.

5.21   In our view, there is a need to expedite the work currently underway by ACPOS to develop standards and to establish how future areas for improvement in professional practice should be dealt with. This would include promoting good practice, developing training and skills, improving processes and increasing technical capability.

5.22   Elsewhere in the UK, much of this developmental work is carried out by the National Police Improvement Agency (NPIA). As part of the work to produce standards in Scotland, a decision needs to be made on who or what should take on a similar role here.

Chapter 6

Resources

Key points in this section

- Although over £1 billion is spent on policing in Scotland, there is limited information on the current high-level costs of different operational policing activities.

- Forces are facing increasing pressure on both capital and revenue budgets, not only from current commitments such as pensions, but also through a lack of robust costing of the impact of changing expectations (e.g. as a result of new legislation, innovations in specialist services or the introduction of new standards).

- The potential loss of ring-fenced funding through the Concordat may put further pressure on existing force budgets.

- It is therefore difficult to make informed decisions at national, regional and local levels about how police services should be prioritised and delivered.

Background

6.1 Around £1.2 billion a year is spent on policing in Scotland, divided between the eight forces, SPSA and the SCDEA.

6.2 Current funding for police forces comes partly from the Scottish Government, in the form of police grant, and partly from constituent local authorities. The overall level of grant is based on historical expenditure, i.e. previous year's budget plus a small increase. While the formula for distributing police grant between the forces has been reviewed in recent years, there has never been a systematic analysis of what resources are required to deliver a specified level of service in Scotland.

6.3 In conducting this review, we found little evidence to suggest that the high-level costs associated with different operational activities at national or force level were being identified or analysed. For example:

- there is currently no information available on how much it costs on average to arrest someone and detain them overnight in custody before a court appearance, compared to the cost of releasing them on an undertaking to appear at court the next day;

- nor does anyone know whether the average cost in Tayside is any less or more than the cost in Northern;

- we do not have the information to be able to say whether £100,000 spent on crime analysts is better at reducing crime than £100,000 spent on detectives, or what might be the optimum proportions of that sum which should be spent on each;

- we do not know whether the considerably greater unit cost of road policing officers (in terms of training, equipment and other on-costs) compared to community police officers provides a proportionate return in terms of public safety, assurance and protection; and

- critically for the purposes of this review, we do not know whether the pooling of specialist or expert personnel, for example armed support officers, between three or more forces, is more or less cost effective than having them co-ordinated from a single point with outposts at geographically strategic points across the country.

6.4   Until recently there was a similar lack of understanding about the costs of providing support services. However, since their transfer to SPSA, information on the costs of these services is now improving.

Impact of increasing demand

6.5   As discussed elsewhere in this report, there has been increasing demand for both more and increasingly sophisticated police services. However, there is little evidence that the impact of these changes, whether from implementing new legislation for example or from introducing innovative technical services, is properly costed either at national or force levels.

6.6   While forces are to be congratulated for managing these changes within existing budgets, this has led to increasing financial pressure on both their revenue and capital budgets. We received differing views from forces on the extent to which their current resources were sufficient to meet expected service demands.

6.7   Even without significant changes in demand, forces would be facing continuing financial pressures as a result of current commitments, including those arising from pensions and training requirements. These will undoubtedly be accentuated by prevailing macro-economic circumstances.

6.8   In our workshops forces also spoke of increasing pressures on their capital budgets and, in particular, on managing their property assets (the police estate), many of which need to be upgraded and/or are no longer fit for purpose.

6.9   In addition, through the Concordat with local government, the ring-fencing of grants paid to local authorities by the Scottish Government was largely removed. As forces receive part of their funding from local authorities, they will therefore have to compete with other local government services for a share of these monies. They will also need to demonstrate to police authorities/boards and community planning partnerships that the funding they require is being used to best effect to achieve agreed local outcomes.

6.10   The current governance and funding arrangements, and the absence of any regular national mechanism for reviewing police resources, has resulted in forces tackling similar demands in different ways. One example of this was highlighted in Audit Scotland's report on police call management,[12] which found 25 different ICT systems being used to manage calls to the police across the country. The result has been a lack of integration between ICT systems which prevents information being passed between the different internal systems and limits opportunities for forces to share expertise.

6.11   The Scottish Government, individual forces, and police authorities/boards are aware of the information gaps and financial pressures highlighted above, and work is now underway to address some of these:

- The Scottish Government is working with forces to develop a procedure for consistently and robustly gathering information on the costs of different policing activities – known as activity analysis. However, this has already taken a number of years to gain momentum.

- In England, Wales and Northern Ireland, forces are working together to implement a new police objective analysis, which will gather higher level cost information – it would seem sensible for Scottish forces to consider this approach as part of the work we are recommending on police costs.

12 Audit Scotland (2007) *Police call management: an initial review*

- Some forces, for example Grampian, are now beginning to incorporate business analysis into their strategic assessment through the NIM process.

6.12   However, there are further areas in which we believe a more detailed consideration of costs is required:

- the ongoing national analysis of capacity and capability, e.g. through the organised crime group mapping exercise and MICDU, needs to be aware of the costs of current provision and future options;

- the current and future financial impact on forces and their CPP partners from the reduction in certain types of crime, if any, needs to be understood; and

- the financial impact on individual forces of implementing common standards across Scotland needs to be estimated.

6.13   Without robust information it is difficult to make informed decisions at national, regional or local levels, such as the following:

- whether the total amount spent on policing is sufficient to meet current demands;

- what the most cost-effective options are for delivering specialist services; and

- how community planning partnerships should prioritise their collective resources locally to achieve outcomes agreed through their SOAs.

Conclusion

6.14   Identifying resource and cost information does not mean that these factors are all that should be taken into consideration in making decisions about, for instance, the balance between generalist and specialist policing. Other, sometimes less quantifiable but perhaps equally important influences need to be taken into account. These might include, for example, the relevance of services to local circumstances (e.g. specialist hill search and rescue capability or motorway policing) or current local partnership service provision, or critical mass, or the relationship of the service under consideration to core policing purpose. However, we do emphasise that none of these other factors can be put into proper perspective without a shared understanding of the broad overall comparative costs of resources.

Chapter 7

Governance and accountability

Summary

- Governance arrangements are important in ensuring that public money is spent as efficiently and effectively as possible. Decisions about how police resources should be used are made at a local level (e.g. through CPPs), at a force level, and at a Scotland-wide level. It follows that there should be concomitant governance arrangements at each of these levels.

- We identify gaps in the governance arrangements for policing decisions made locally (through community planning partnerships and their SOAs). At a regional or force level, there are formal governance arrangements through joint police boards and police authorities, but these require further support to work effectively.

- ACPOS makes decisions affecting local, regional and national policing, but does not fall within the normal public sector governance arrangements. Consequently, there is little public scrutiny of these decisions.

- There is no requirement on chief constables or police authorities/boards to consider the national perspective.

- The only people who can clearly be held accountable for policing arrangements above force level and for all national policing arrangements are Scottish Ministers.

- There is no national forum in which to consider how police resources overall should be used to ensure that national risk is managed effectively and Best Value achieved.

Background – what do we mean by governance?

7.1   The police service in Scotland is commonly described as having a tripartite system of governance and accountability. Broadly, Scottish Ministers retain overall responsibility for policing policy, police authorities (and joint boards) are responsible for setting police budgets and ensuring that Best Value is achieved, and chief constables are responsible for operational policing. The background to these arrangements, and what they mean in practice, is described in detail in Appendix A.

7.2   Governance is about making sure that public money is being spent properly and effectively. It is the framework that enables organisations to account to service users, stakeholders and the wider community, for the decisions they make to achieve their objectives.

7.3   As has been highlighted earlier in this report, police forces operate in a highly complex legislative, political and local environment in which they have to make difficult decisions. Well-governed organisations balance their different responsibilities and use information to decide where to allocate people and resources to meet competing demands. Experience shows us that good governance supports effective decision-making, whereas poor governance often results in a culture, structures and processes that lead to poor decisions.[13]

---

13 *Corporate governance: improvement and trust in local public services.* Audit Commission, 2003

7.4 There are six core principles of good governance[14] which have recently been developed by the Society of Local Authority Chief Executives (SOLACE) and the Chartered Institute of Public Finance Accountants (Cipfa) into a guidance note for Scottish local authorities.[15] The principles focus on:

- the purpose of the authority, and on outcomes for the community and creating and implementing a vision for the local area;
- members and officers working together to achieve a common purpose with clearly defined functions and roles;
- promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
- developing the capacity and capabilities of members and officers to be effective; and
- engaging with local people and other stakeholders to ensure robust public accountability.

7.5 Basically, the essence is that someone who makes a decision should not be the only one to review or challenge it.

7.6 We have talked elsewhere in this report about the different levels of decision-making and operational policing which currently operate in Scotland. These can be loosely described as local, regional or force level and national. The existing governance arrangements for these different levels are outlined in Table 1.

7.7 In addition, public accountability for the use of police powers is most necessary for those powers that impinge most on the citizen, for example the police use of firearms or intrusive and covert surveillance. It is true that there are checks and balances in place in terms of levels of authorisation for these powers, but police authorities and boards in particular must ensure that the question of accountability is rigorously followed through any collaborative arrangements.

7.8 Across these different levels of policing, we have identified some areas where there is either a lack of governance or there is evidence that existing arrangements do not provide a robust accountability framework to support the six principles.

Local policing

7.9 Since the election in 2007, decisions on local policing have been heavily influenced by the advent of Single Outcome Agreements. From 2009, all SOAs will be agreements between the Scottish Government and community planning partnerships. SOAs have therefore moved on from an agreement between two legal entities (the Scottish Government and an individual council) to one where one party to the agreement is a partnership with no legal standing.

---

14 *The Good Governance Standard for Public Services.* Independent Commission for Good Governance in Public Services, 2004
15 *Delivering good governance in local government: guidance notes for Scottish authorities.* Cipfa, 2008

7.10   This raises a number of governance issues for the police, where chief constables and police authorities both have a statutory duty to participate in community planning but also have their own governance arrangements.

7.11   All the current SOAs contain at least some outcomes that require the commitment and direction of police resources in order to be delivered. However, there is a lack of clarity around the role of police authorities in general in relation to these agreements, and in particular around the role of the six joint police boards. For example we found that:

• police boards had little or no direct input into the development of their constituent SOAs, despite (a) the requirement for police resources and (b) the duty imposed by the Local Government in Scotland Act 2003 on police authorities and boards (as well as chief constables) to participate in community planning;

• in some areas, the police board had considered ('noted') the SOAs of the councils in their force areas, but these had not been formally approved by the board; in other areas, the board had not even seen the relevant SOAs; and

• there were no clear arrangements between the authority/boards and the relevant councils for sharing performance monitoring information on the SOA outcomes to which the police were contributing.

7.12   We also found little evidence that authorities/boards were informed or consulted on how the force should balance the resources required to achieve the SOAs with demands for other local policing resources not directly linked to SOAs.

7.13   These findings lead us to conclude that there is a serious gap in governance arrangements for policing at this local level.

Force/regional

7.14   All police forces have their own internal governance arrangements and improving these has been a focus of attention in some forces.

7.15   Externally, forces are formally held to account through the joint police boards, or the police authorities in Dumfries and Galloway and in Fife, described in detail in Appendix A.

7.16   While there is universal support from stakeholders and police forces for police to be locally accountable for the services they deliver locally, there is also evidence that the current arrangements are not working as effectively as they should. This is supported by evidence from a review of police authority/board minutes, commentary within the in-service survey (graph 5), and workshops conducted for this review. For example:

• while elected members evidently support their forces, they are often over-reliant on the views of the chief constable on matters brought before them at meetings;

• members typically have very limited involvement in setting the strategic direction of the force, or in Best Value reviews undertaken by the force;

• performance monitoring and reporting tends to be under-developed compared with other services;

• none of the police board/committee conveners is a leader of a council, and councils are increasingly able to make decisions that may affect police resources, with no recourse to the boards.
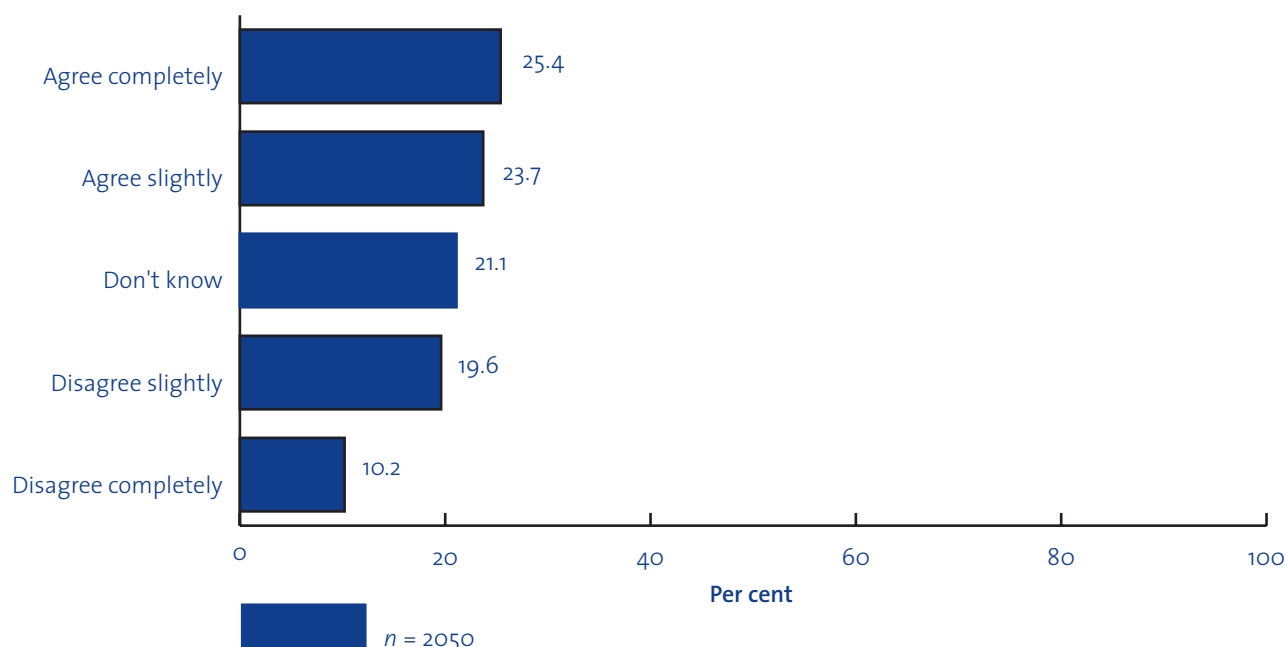
7.17 One of the reasons for this apparent lack of effectiveness is the limited independent professional support available to police authorities/boards, resulting in a lack of capacity and capability (one of the six principles of good governance). Only Strathclyde Joint Police Board directly employs a small number of specialist staff to support members in fulfilling their duties.

7.18 In addition, in Scotland (in contrast to other parts of the UK), police authorities/boards are comprised entirely of elected members, with membership of joint boards being drawn from the elected members in constituent councils. Thus no police authority members are directly elected or appointed on to the authority. This again raises a number of questions:

- where should the primary loyalty of a police board member lie – with their council or with the board? (Respondents to the in-service survey were not clear on this question, as illustrated in graph 6);

- how can elected members (who come from a range of backgrounds and political affiliation) access impartial independent experts to ensure that the significant decisions they are making about police resources are balanced and informed?; and

- how are elected members held to account by the electorate for their work as members of police authorities?

Graph 6. [Q26 In-service survey]

When acting as members of police authorities and boards, councillors should put the interests of their authority/board above the interests of the local authorities to which they have been elected

Category	Per cent
Agree completely	25.4
Agree slightly	23.7
Don't know	21.1
Disagree slightly	19.6
Disagree completely	10.2

n = 2050

7.19 These findings lead us to conclude that, while there are clear statutory arrangements for the governance of individual police forces, these are not fully complying with all the accepted principles of good governance.

National

7.20   As discussed in chapter 4, a number of police services are delivered at a national or regional (i.e. inter-force) level, primarily through three different mechanisms:

- via force-to-force collaborations;
- through work by ACPOS; and
- by SPSA and SCDEA.

7.21   As decisions about police resources and services are being made through all these routes, there should be clear and robust governance arrangements for those decisions. However, we have serious concerns about the accountability arrangements for the first two.

Force-to-force collaborations

7.22   The extent to which forces collaborate to boost capacity is discussed in more detail in chapter 4. We have two concerns about the governance and accountability for these collaborations: one in relation to overall accountability arrangements, and the other over the potential tension they may create between national as opposed to local requirements.

7.23   While forces are to be commended for their willingness to share their specialist resources and for the extent of goodwill identified across Scotland, we are also particularly concerned about the lines of accountability if something goes wrong. This is not to say that it would necessarily be difficult to devise a common system of accountability, but rather that we have seen no evidence of such a system.

7.24   We found little evidence that police authorities/boards are aware of the full extent of these collaborations. Nor do they appear to have been involved in developing a strategic approach to how the resources for which they are responsible should be used to support policing in other areas of Scotland.

7.25   The perception that collaborations are not subject to the full scrutiny of authorities/boards was borne out by our consultation with conveners, some of whom expressed concern about their remoteness from ACPOS decision-making on national issues.

ACPOS

7.26   Over the last few years ACPOS has taken an increasing lead in developing policies for policing across Scotland. While this has resulted in many improvements in consistency and professionalism, the organisation itself is not statutorily recognised within the current accountability framework for policing in Scotland. This raises a number of issues around governance and accountability which have been identified by other stakeholders, including the Auditor General and the Justice Committee in its report of its inquiry into the effective use of police resources. These issues include the following:

- ACPOS cannot be held to account locally for those decisions that may have significant resource implications for individual forces or may affect local service delivery. There is no direct mechanism through which the local funding body can challenge ACPOS as a national decision-making body, should an individual police authority/board wish to question its chief constable's recommendation that it ratifies an ACPOS agreement.

- Chief constables are ultimately responsible to their authority/board, so ACPOS cannot currently ensure that chief constables comply with decisions that are made collectively through the Association. For example, there is no mechanism or guidance that requires chief constables to consider national policing requirements as well as local ones, or to implement any ACPOS agreed policies or strategies. This latter fact may be a necessary outcome of having independent police forces but it has to be acknowledged, and stakeholders dealing with ACPOS need to be aware, that the Association can only recommend action to its members, not guarantee delivery.

7.27   ACPOS recently became incorporated as a company limited by guarantee. However, this does not, nor can it be expected to, introduce any improvements to existing public governance arrangements that would require it to demonstrate that the decisions being made are balanced and informed, or that its use of resources from forces and the Scottish Government is efficient and effective.

7.28   In relation to external scrutiny and inspection, HMICS can only make recommendations to forces. Most thematic recommendations will probably and understandably be co-ordinated by ACPOS, but HMICS cannot hold ACPOS to account for their implementation.

7.29   At a national level ACPOS has signed a memorandum of understanding with the Scottish Government which sets out the conditions and arrangements for the payment of grant-in-aid it receives from Ministers. This clearly identifies the role which the Scottish Government expects ACPOS to fulfil in relation to the policing agenda in Scotland. However, it does not set out how ACPOS should deliver these responsibilities should they conflict with local policing requirements.
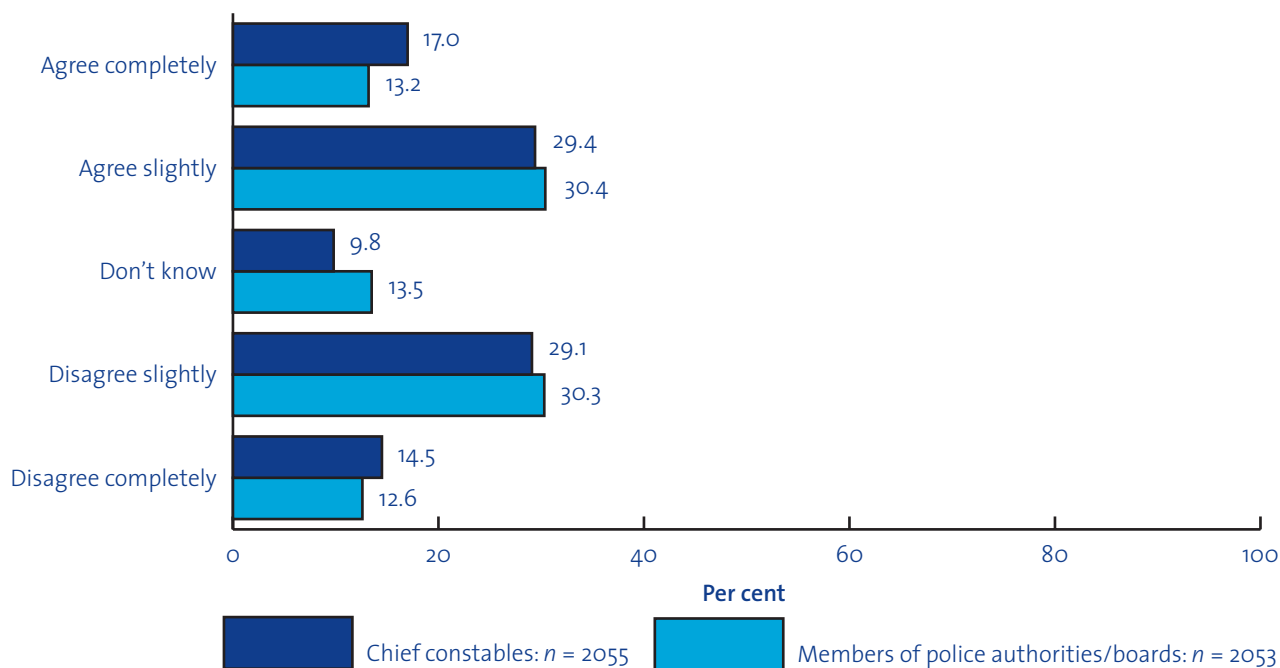
Governance for national policing decisions

7.30   A clear view expressed by chief officers during this review, was that they would ultimately have to prioritise their contractual relationship with their authority/board over national collegiate arrangements intended to benefit Scotland as a whole. This difficult balance is echoed to an extent in the results of the in-service survey shown below, where respondents were quite evenly split on this issue.

Graph 7 [Q27 and 28 In-service survey]

Members of police authorities/boards and chief constables should consider the national interests of policing in Scotland, even if this might mean compromising their individual force/service interests

	Chief constables	Members of police authorities/boards
Agree completely	17.0	13.2
Agree slightly	29.4	30.4
Don't know	9.8	13.5
Disagree slightly	29.1	30.3
Disagree completely	14.5	12.6

Per cent

Chief constables: *n* = 2055   Members of police authorities/boards: *n* = 2053

7.31   A separate but similar issue to the above is that police authorities/boards have no mandate to consider the national policing requirement. As a consequence, the only element of the tripartite arrangement having such responsibility is Scottish Ministers.

7.32   The current arrangements can therefore result in a potential conflict of interest for chief constables. On the one hand they are bound by the current legislative framework to give primacy to the decisions of their local authority/board, while on the other they naturally feel obliged to work through ACPOS for the common good of policing in Scotland.

7.33   Therefore, the only people identified by this review as holding overall national responsibility for the effective and efficient delivery of policing in Scotland are Scottish Ministers.

7.34   Given these circumstances we consider that the current legislative arrangements require review. Contemporary examples of dual responsibilities exist elsewhere in the public sector, for example in the health arena. There may be merit in considering a similar approach, where authorities/boards and chief constables would be required to consider national and local interests together. Such a concept is of course not new in policing. Sections 11 and 12 of the Police (Scotland) Act 1967 recognised the potential requirement to compel mutual aid and collaborative arrangements, although this does not appear to have been considered in this particular context before.

SPSA

7.35   SPSA is a relatively new entity and is focusing on consolidating its current responsibilities and workload. It occupies a unique position within policing in Scotland. Since its formation in 2006 it has operated solely at a national level. As a non-departmental public body (NDPB) it has an entirely different governance structure from that of police forces.

7.36   Within the questionnaire responses, workshops and interviews held as part of this review, frequent comment was made about the SPSA, its services and its construction. There are SPSA connections to each of the major themes identified in the review.

7.37   Under chapter 4 we discussed the capacity and capability of Scottish forces to manage risk at a national level. There is little doubt that through the enhanced risk assessment process which we recommend, serious and organised crime will emerge as a very high-risk. The SCDEA, sitting as part of the SPSA, is the only current Scottish national asset to deploy against this risk.

7.38   Discussions with participants identified a need for more connectivity between the work of SPSA and SCDEA in delivering national policing services, and an increasing emphasis on partnership policing at a local level. We also noted that regional force collaborations, as well as national co-ordination of other policing services by ACPOS, continue to be developed at a time when there is already a national option in the form of the SPSA.

7.39   Where we discuss standards in chapter 5, we refer to the role that NPIA has in England and Wales in relation to their development. SPSA could, at least potentially, take on this role in Scotland.

7.40   What is clear from the above and from the conclusions and recommendations in this review, is that a deeper understanding of how these issues relate to the SPSA as a body is fundamental to taking forward the changes that we believe are necessary across Scotland.

7.41   There is a very high level of connection between the SPSA issues identified here and the other recommendations that should fall to the PSSG to progress following this review. Accordingly, we think that it would be most effective to address these SPSA elements as an additional but single stream of work, reporting back to the PSSG.

Conclusion

7.42   All our policing is paid for by taxpayers across Scotland. The different levels at which its services are provided were identified in chapter 4. In subsequent sections we have looked at the importance of standards, the lack of robust information on costs, and matters relating to the effective governance and scrutiny of police services. We have developed a framework as a means of looking at all these issues according to the different levels of policing, by considering the following questions for each service delivery level:

- Who provides governance?

- Who is responsible for gaining an understanding of and thereafter managing risk?

- Who determines how resources are allocated against priorities?

- Who determines how resources are provided and accounted for?

- How is quality assurance managed? (compliance, audit, inspection and self-assessment)

- How is performance managed?

7.43   Within the timescale and remit of this report, undertaking detailed analysis to address all of these levels was not possible. However, we have used a simple traffic light colour coding to reflect our levels of confidence in the current arrangements, based on the evidence we gathered for this review. This is illustrated in Table 1. The red areas indicate the areas which we consider to require the most development. We therefore conclude that the levels of most concern are two of those most concerned with policing arrangements above force level, with the exception of SPSA. Particularly force-to-force agreements and the national role of ACPOS.

Table 1

Illustration of the eight levels of delivery for policing services in Scotland, with HMICS commentary on associated arrangements for governance, risk assessment, resource allocation, inspection and performance monitoring

Level	Governance	Risk assessment	Resources	Inspection	Performance
a) Divisional and within community planning partnerships' SOAs (e.g. local community safety and crime prevention initiatives)	Unclear and causing a degree of uncertainty in some forces and joint police boards. Could be police authority members on Community Planning Partnerships, but no formal links between community planning partnerships and police authority/board.	Should be managed locally through NIM and the community planning process.	Managed at divisional level, with potential for greater or fewer resources as ring-fencing on funding to local authorities removed. Potential issue of allocation of resources against other policing priorities. Limited understanding of costs.	Range of potential inspections, e.g. BV2 audits of councils will cover local partnership working, also possible multi-agency thematic or service-based inspections. Potential for self-assessment to assist, especially if same process shared by partners e.g. Public Sector Improvement Framework (PSIF).	Should link into local monitoring of SOA progress with transparent links to Scotland Performs, SPPF and force performance management systems.
b) Divisional but outside of direct SOA activities (e.g. case management unit, divisional intelligence unit)	Police authority/board, principally at force level.	Divisions will manage through normal NIM strategic assessment, but most lack detailed assessment of capacity and capability.	Managed at divisional level. Potential issue of allocation of resources against those with SOA focus. Limited understanding of costs.	Self-assessment through EFQM – overlaid by thematic programme flowing from national overview of development areas and assessment of professional risk. Role of local compliance and audit.	SPPF and force performance management systems.

Level	Governance	Risk assessment	Resources	Inspection	Performance
c) Force level (e.g. force communications centre, drugs squad, confidential/covert intelligence unit)	Existing police authority/board structure. Authorities/boards wish to become more proactive but need to resource support to assist with this. Scottish Government not represented at this level.	Forces manage some operational risk through NIM strategic assessment, but most lack detailed assessment of capacity and capability. Some forces also use risk assessment for individual development projects and/or support services.	Managed at force level. Potential threat or reduced funding arising from local authority funding being more flexible. Limited understanding of costs of policing activity.	Self-assessment through EFQM, complemented by thematic programme flowing from national overview of development areas and professional risk assessment. Role of local compliance, audit and internal inspection.	Statutory annual report to police authorities, now plus SPPF – monitored by Scottish Strategic Steering Group of SG, ACPOS, SPCF, HMICS and Audit Scotland.
d) Regional level – force-to-force (e.g. mobile armed surveillance, underwater search, mounted police)	Little involvement other than chief constables, but may take agreements to authorities/boards to note (or authorise if spend involved). Not actively overviewed at any national level.	Unclear whether there are detailed assessments of overall risk and need driving collaborations, or whether they are used to increase capability and/or capacity, or reduce cost.	Usually arise from lack of resources but limited evidence that resources allocated on a systematic basis.	No formal inspection regime in place except only occasionally through HMICS thematic studies. Potentially highest risk as weak governance and less developed performance assessment.	No common performance framework in place.
e) Regional level – force to partners (e.g. ASB officers, fleet maintenance)	Authorities/boards likely to be aware, agreements are usually with other public agencies, e.g. local authorities, fire and ambulance. Not overtly looked at within national level Conveners Forum and Scottish Government not represented at this level.	Unclear whether there are detailed assessments of overall risk and need driving partnership policing assistance.	Managed at force level with partners. Limited understanding of costs of policing activity but cross-charging usually based on overall staff costs.	No formal inspection regime in place – may be occasionally picked up by joint inspections or thematic studies.	No common performance framework in place.

Level	Governance	Risk assessment	Resources	Inspection	Performance
f) National level – delivered/maintained through SPSA (i.e. support services: ICT, national databases, forensic services and police training; and the SCDEA)	Separate NDPB with own governance structure – some debate about SCDEA within this governance structure. Scottish Government represented at this level.	Managed through existing structures.	Managed within existing structures – some concern that SPSA costs will rise either due to inaccuracy of costings in relation to task when transferred, or increasing technical costs of issues such as ICT and forensic science.	HMICS inspection of individual services but not of SPSA itself except by invitation of Ministers.	Performance monitored through agreed reporting structure, key indicators due to be included in SPPF.
g) National level – led by ACPOS (e.g. national policies and strategies, counter-terrorism, MICDU, SPICC)	No specific public governance structure for decisions. Some decisions involving funding may be taken back to individual authorities/boards. No Scottish Government presence at this level of decision-making by ACPOS, although SG and HMICS reps increasingly welcomed at business area meetings as 'participating observers'. Partly complicated for CT by fact that national security is a reserved matter.	ACPOS uses NIM strategic assessment and supporting process to manage operational focus (but this lacks capability and capacity assessment). ACPOS manages other organisational risks through its business area structure.	Some funding from Scottish Government, but ACPOS relies principally on members contributing time from their own force. There is a risk that this may limit personal development in some areas or detract from force management in others.	Ministers may ask HMICS to inspect through recent ACPOS-SG MoU, but no formally agreed inspection regime.	No specific public performance framework or transparent reporting of progress against agreed indicators for specialist policing led by ACPOS. National performance in general can be monitored through SPPF.

Level	Governance	Risk assessment	Resources	Inspection	Performance
h) National level – led by Scottish Government, often with other partners (e.g. national emergencies, national crime prevention initiatives, Serious and Organised Crime task force, Sex Offender Programme Board, National Criminal Justice Board)	Powers of Scottish Ministers provide for some crisis level governance in failing forces. The Police Advisory Board Scotland (PABS) for pay and conditions of service issues. No formal arrangements for involving police authorities.	Specific risk management through outcomes of thematic inspections, public inquiries, and formation of specific groups, e.g. Serious and Organised Crime Task Group, Sex Offenders Programme Board. Limited holistic assessment of five risk categories.	Primarily through ACPOS resources and SG staff. COPFS staff where relevant.	Thematic joint inspection of specific issues (e.g. CONTEST Prevent, domestic abuse, wildlife crime, intelligence and information-sharing), but recommendations can only be directed at individual forces.	Some areas covered by Scotland Performs and SPPF, but no overall framework.

Chapter 8

The way forward – our recommendations

Recommendation 1

8.1   We recommend that the Cabinet Secretary for Justice establish and chair a national group that reflects at least the tripartite arrangements for policing in Scotland (Policing in Scotland Steering Group or PSSG). This group should:

- decide which policing risks require co-ordination at national level, having taking cognisance of both operational and Best Value considerations; and

- oversee the response to these national risks, where it is deemed necessary to do so.

Recommendation 2

8.2   We recommend that the PSSG initiate and oversee a programme of work to ensure that it is able to achieve its purpose in managing national policing risks. This programme should be initiated within three months of this report going to the Scottish Parliament, and progress reported to the Parliament within 12 months. The work programme should include the following:

a) the expansion of the Scottish Strategic Assessment, which should include:

- a more robust and continuing analysis of the capability and capacity of policing to meet the high-risk operational demands and needs currently identified, as well as those referred to below; and

- an analysis of national organisational risks such as the provision of adequate police buildings, and those risks arising from failure to deliver major change programmes such as the national IT convergence strategy.

Within this same recommendation, the PSSG should also:

b) oversee and expedite the work underway by ACPOS to develop standards for policing across Scotland, recognising that these should be focused on service outputs and outcomes rather than methods and style, so that local variations in delivery can be preserved and supported where appropriate;

c) initiate and oversee joint work between the Scottish Government, ACPOS and police boards/authorities to increase the range and detail of information on the high level costs of policing;

d) with some urgency initiate and oversee work to develop a mechanism through which collaborative arrangements between forces for operational services can be drawn up and agreed. This mechanism should properly reflect local and national needs whilst ensuring that Best Value principles apply at both of those levels;

e) initiate and oversee work to develop proposals on how the weaknesses in governance highlighted in this report can be addressed; and

f) initiate a thematic review of current collaborative arrangements between forces in order to establish whether:

- demand, need and risk have been effectively assessed in advance of the arrangement;

- national risk has been effectively managed;

- Best Value at both local and national level has been achieved; and

- decision-making and governance arrangements reflect the level of risk being managed.

And finally, within this recommendation:

g) that the Cabinet Secretary for Justice require HMICS to conduct a thematic inspection of the SPSA with a focus on covering the relevant issues identified within the Independent review of policing.

Recommendation 3

8.3 We recommend that Scottish Ministers bring forward draft legislation to impose a statutory duty on chief constables and police authorities to take the following explicitly into account in all decision-making: Scotland's national policing capacity and capability; its national resilience to catastrophic events or strategic threats from criminality; and the reduction of the costs that arise from unnecessary duplication of services.

A national steering group for national policing issues in Scotland

8.4 The previous chapters in this report highlight a number of areas where we are unable to provide assurance that risks are being effectively assessed and managed. We have therefore recommended that a group be formed to address the serious gaps that we have identified. The following diagram illustrates a potential structure:
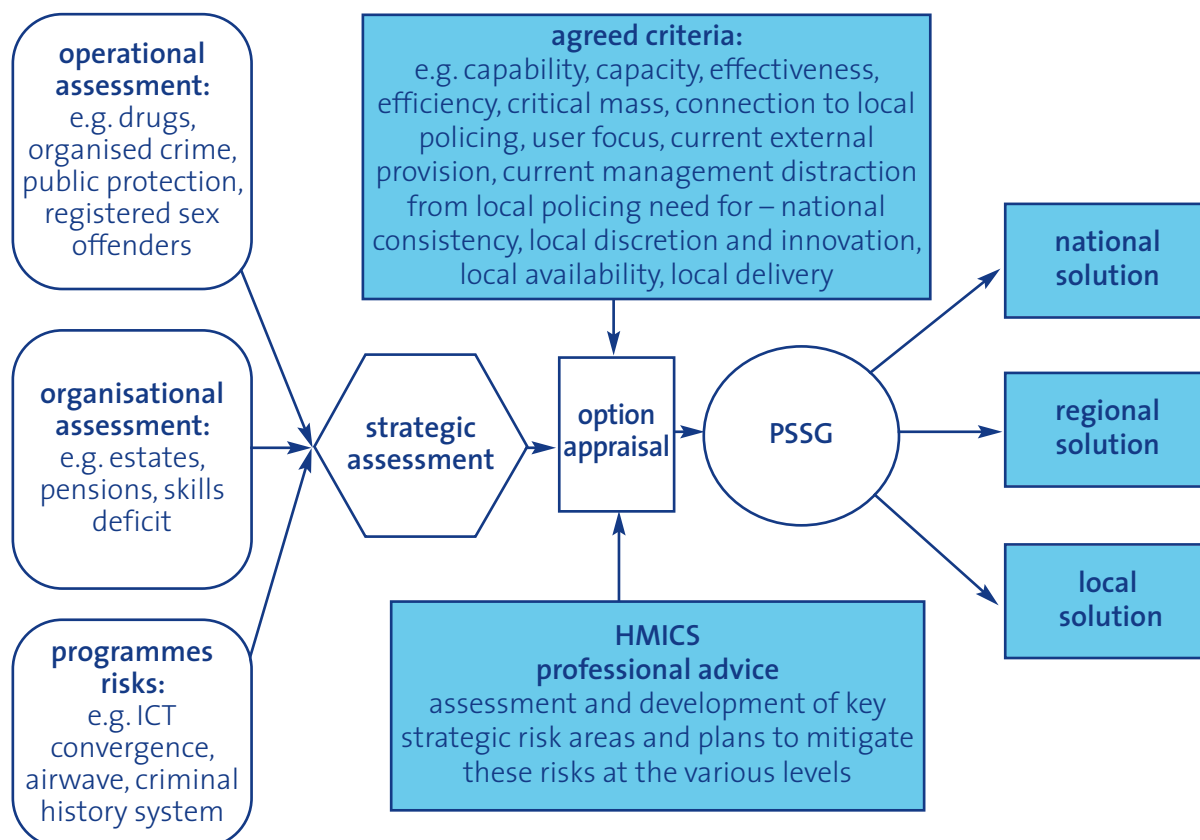
Figure 5. National Steering Group – potential structure
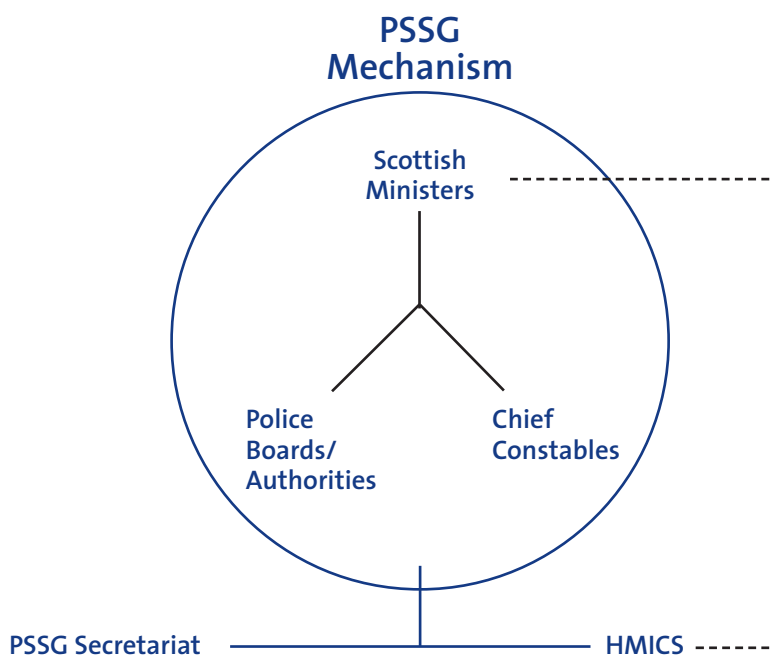
8.5 The PSSG may also wish to consider adopting a holistic risk assessment model such as that illustrated in Figure 6 below.

Figure 6. Proposed method of risk management for policing in Scotland

Risk management – the role of HMICS

8.6 We believe that the proposed structure above generally, and in particular the risk management aspect, responds to the need for a more dynamic and focused management of risk at national level. It would also provide the appropriate level of shared ownership and decision-making between the tripartite relationship stakeholders.

8.7 In our opinion, it would also bring about changes to the role of HMICS. We believe that there is a need to assess the Scottish Government's current and future policies, and to do so at the same time that risks identified through the NIM process are being considered. HMICS, with its detailed understanding of the state of policing as a result of forces' self-assessments and its own thematic inspections, as well as from conducting this review, would be in a strong position to carry out or assist in such a function.

8.8. Furthermore, should other risks such as those posed by critical incidents come to the attention of the forum, HMICS would be able to provide professional expertise, and contextual and impartial information about the force involved.

8.9 Finally, since the forum will be considering how to reduce and manage the most serious policing risks in Scotland, the role of HMICS in making sure that its recommendations are addressed and that the outputs sought are achieved needs further consideration.

Independent review of policing in Scotland

Appendices

Appendix A – Tripartite arrangement

Appendix B – Stakeholder questionnaire

Appendix C – Stakeholder questionnaire – response analysis

Appendix D – International stakeholder questionnaire

Appendix E – In-service survey

Appendix F – In-service survey – response analysis

Appendix G – Advisory Group membership

Appendix A

Tripartite arrangement

An explanation and analysis of the tripartite arrangement for policing in Scotland

The police service in Scotland is universally described as having a tripartite system of accountability and/or governance. This has its legal origins, albeit without specific exposition, within the Police (Scotland) Act 1967. That statute simply sets out the differing functions of police authorities and central government in relation to police forces and formally institutes the office and appointment of chief constables.

The Act therefore acknowledges that policing, at least at that point of its development in Scotland, was largely a localised function and so was still organised into local police forces with local police authorities drawn from the elected members of the local authorities then in existence. This democratic influence over the maintenance of forces (even if one step removed from direct election to police authorities) was nevertheless balanced by a commonly recognised interpretation of the limitations of the authorities' control over forces. That interpretation, common to the rest of the UK, gave rise to the concept of the 'operational independence of chief constables'.

It was certainly the case that the Act prescribed specific duties for police authorities which did not mention decision-making on operational matters, such as law enforcement, whether before, as, or after they happened. And of course the Act also specified that each authority should appoint the chief constable of its force who, by implication and existing practice, was the operational head of the force.

The Act also formalised the role of central government by making the relevant Minister (then the Secretary of State for Scotland in the UK Government) responsible for some of the policy and administrative governance which needed to be decided nationally, of which more later.

Nowhere in the 1967 Act, or any other, is there reference to the terms 'tripartite' or 'the operational autonomy/independence of chief constables' and yet these concepts and the means of describing them have become common currency amongst those concerned with and commentating upon policing in Scotland. For instance the Scottish Government's public information on police powers and functions relates:

> A tripartite arrangement exists for the accountability for the police service in Scotland. Scottish Ministers retain overall responsibility for policing policy. Police Authorities and Joint Police Boards are responsible for setting police budgets and ensuring that best value is attained for the public purse. Chief Constables are responsible for the operational aspects of policing within their force areas.

From the Scottish Government's online publication on police powers and functions at:
http://www.scotland.gov.uk/Publications/2003/07/17377

No-one would dispute that police accountability does indeed involve these three elements at its core. However, this model is not the only one in the UK, and indeed the constituent parts of police authorities in England and Wales have always been slightly different (with one third of members being magistrates). In fact the Police and Magistrates Courts Act 1994 introduced another element in the form of independent members, selected by the police authorities from a list compiled by the Home Secretary. Most police authorities in England and Wales now have a ratio of elected members to independent members to magistrates of 9:5:3.

What might be disputed in Scotland, partly because of the changes which have occurred since 1967 and partly because the practical effect is more complex than it sounds, are:- the extent to which the relatively undeveloped tripartite arrangement still works as well as was intended; the extent of the operational independence of chief constables; the limitation of influence which tripartism suggests; the way in which accountability – tripartite or otherwise – is exercised over policing issues which are decided, or directed, or coordinated, or influenced at national level; and the extent to which scrutiny and monitoring is exercised by each of the tripartite partners and others.

1. Does it work well?

- The evidence from workshops conducted for this review with forces, staff associations and the Scottish Police Conveners' Forum was mixed on this question: a significant proportion, although not a majority, of chief officers felt that the tripartite system needed some re-alignment to: take account of the interests of other stakeholders; reflect some need for greater support or a strategic element for/within police boards (two chief constables proposed the introduction of independent members); as well as to take account more strongly than at present of the national perspective on policing. Some concern was expressed that some police board/authority members focussed on very local concerns, prioritising the needs of their own wards over that of the division or police force as a whole. In addition, the ability of board members to understand and deal with the increased complexity of policing issues was also raised as an issue. The service survey conducted for this review and analysed in Appendix F showed that the workforce was quite evenly split about whether police authority/board members *'should consider the national interests of policing in Scotland, even if this might mean compromising their individual force/service interests'*. One chief constable pointed out that communities do not hold police authorities to account. On the other hand, most of the conveners felt that the system served its purpose well, although there was considerable feeling here that police authorities needed professional advice, independent of police forces, and a concern that the influence of COSLA following the introduction of single outcome agreements was unnecessarily interposing a fourth strand into tripartism.

- Among the 50 per cent of those in the stakeholder consultation who responded to questions about governance and who felt that there was no need for change, responses tended to focus on the fact that the current tripartite system was working effectively, with seemingly robust mechanisms, and receptive to needs. Nevertheless, despite a positive appraisal of current police governance, it was generally felt even within this group that continued work on accountability and further clarity over what operational matters were legitimate for boards to consider would be welcomed. In particular, it was perceived that assessments of the current system would help to highlight any flaws or issues.

- Among the similar number of stakeholders who felt that a review of governance *was* required, there was a perceived need to:- take better account of the contribution of other agencies outside the tripartite arrangement; improve accountability; and acknowledge the introduction and potential impact of Single Outcome Agreements (SOAs).

- In the workshops, most chief officers and conveners who expressed a view on the role of central government (i.e. the Scottish Government) felt that this needed to provide a stronger steer, particularly on such issues as the relationship between police authorities and SOAs. They also acknowledged that the growing number of regional collaborations between forces set challenges in terms of accountability and governance.

2. Operational independence?

- Section 15(2) of the 1967 Act states that chief constables must, over and above their annual reports, on request, submit to their police authority: 'a report on such matters as may be so required, being matters connected with the policing of the area for which the force is maintained'. This was clearly intended to provide authorities with the power to hold chief constables to account over *policing* but, although they do ask for reports from time to time, these are rarely, if ever, concerned with operational aspects of policing.

- In addressing the ACPOS annual conference at Inverness in 2007, Professor Jim Gallagher, Visiting Professor of Government of the University of Glasgow, referred to the so-called operational independence of chief constables and pointed out that this was often misunderstood. To paraphrase him, he pointed out that it would indeed be wrong for a police authority or board to tell its chief constable today to have an individual arrested but, on the other hand, the same authority could legitimately ask the chief constable tomorrow why a man was arrested or not arrested today.

- The advent of the duty of police authorities to participate in community planning and, in particular, to secure Best Value (as imposed by the Local Government in Scotland Act 2003) should have bolstered their legitimate interest in how their force is run, how it consults the public, how it sets its priorities, what its priorities are, how it develops and improves its services to the public, and how all of that is done in conjunction with local authorities, health boards etc for the common good. Much of this relates to operational matters and so police authorities and boards must have an influence on these – always in the general for ongoing or future operational matters, but if necessary (e.g. to hold a chief constable to account for adherence to a previously agreed policy) retrospectively in the specific. During our workshops with forces and conveners when best value was referred to, no-one said that police authorities should not have this duty.

3. Three, or more?

- Even before the 1967 Act there were other authorities which had a legitimate influence, even direction, over the actions of chief constables, and these powers persist today. The Lord Advocate as head of the Crown Office and Procurator Fiscal Service has the statutory authority to and does issue guidelines to police forces about the investigation and reporting of crime and offences, while local procurators fiscal are the ultimate decision-makers in the investigation of crime. This power is generally only exercised during the early stages of investigation for certain aspects of serious crime although, at later stages in all levels of crime and offence investigation procurators fiscal, usually on receipt of a police report about a crime or offence which identifies an alleged offender, can and do require police officers to do certain additional things in efforts to obtain best evidence.

- Just as with police authorities/boards, the Lord Advocate or the appropriate prosecutor or sheriff principal can each ask the chief constable for a report on any specific matter.

- Furthermore, although seldom if ever exercised today, a sheriff principal has the power to greatly influence operational matters in that 'in directing the constables of a police force in the performance of their functions a chief constable shall comply with all lawful instructions, whether general or special, which they may receive from the sheriff principal having jurisdiction in the place' (Police Scotland Act 1967, Sect 17(3)(b)).

- As already mentioned, there was significant, albeit not unanimous, evidence offered to the review by: chief officers and conveners in workshops; and local authorities in the stakeholder consultation exercise; that the first efforts at introducing Single Outcome Agreements to community planning partnerships under the Scottish Government/local government Concordat – while acknowledged as a progressive and constructive step by most – was introducing uncertainty into the role of the six police boards which cover more than one local authority area . HMICS sees this as the single most important issue to be resolved in terms of existing arrangements for the governance and accountability of policing in Scotland. As the convener of a large force noted: how can police boards hold police forces to account for operational priorities and targets agreed with a number of individual local authorities when the board has played no part in deciding or approving these?

4. National?

- The obviously national partners in the tripartite arrangement are Scottish Ministers. It seems likely that the original thinking behind the different roles of Ministers, police authorities and chief constables saw central government as having an approving and facilitating role in such matters as the appointment of chief officers and the provision of government grant, but also as a final arbiter fall-back role in the rare event of a need for chief constables to be directed to accept assistance from other forces, or being required to resign, or forces being deemed to be inefficient, or forces being required to amalgamate. In these respects the central government role can be seen as having the most power, however latent, of the three.

- All of the above functions/powers seem to envisage central government dealing with each of the police authorities and their chief constables separately. In effect the Act created **eight tripartite arrangements** with each having the same national partner.

- In pre-devolution Scotland, central government (in the form of the Scottish Office) took a paternalistic, advisory role in issuing regular circulars to chief constables, police forces in general and police authorities, largely on administrative matters, but also occasionally on matters affecting operational policy, such as the implementation of enforcement of new legislation, 'community involvement' and traffic policing.

- In the last two decades police forces have undoubtedly become better at working together than before and the quality of leadership has meant that ACPOS has become increasingly capable of dealing with some matters cooperatively, promoting although not always achieving a consistency of approach through such previously unheard of instruments as national strategies, policies, operating manuals and national performance management. It has also been more recently found that ACPOS occasionally forms an intention to act in a way which has financial implications for police authorities/ boards and so this has to be ratified eight times or it cannot happen. This is particularly the case with the convergence of information and communications technology and its procurement. Audit Scotland has pointed out that this decision-making by ACPOS is thus only accountable to the public at arms-length (see Audit Scotland report on Police Call Management – initial review, paragraph 20 at http://www.audit-scotland.gov.uk/docs/central/2007/nr_070927_police_call_ management.pdf).

- ACPOS also co-ordinates some operational policing such as counter-terrorism, and occasional multi-force responses or operations through something known as the Scottish Police Information and Co-ordinating Centre (e.g. for outbreaks of foot and mouth disease, fuel disputes, the G8 Conference). One chief constable offered the view that there was a need for enabling and protecting legislation to facilitate chief officers undertaking such occasional national operational roles.

- Post-devolution, it appears that the first administration, then known as the Scottish Executive, saw the reform of the criminal justice system as its number one priority in the field of justice. Perhaps as a consequence of the laudable efforts put into that successful programme, and the fact that most policing matters had previously been dealt with by the Home Office (unlike, for example, Education which had always been administered differently in Scotland) it appears that there was initially less attention given to policing in Scotland than there had been pre-devolution: politicians had their hands full with reform of the courts, and anyway appeared to be less inclined than the Home Office to 'micro-manage' policing, and civil servants were less accustomed or inclined to influence policing directly in the way familiar to their counterparts in Whitehall. The combination of the growing strength of ACPOS with this understandable change of emphasis from Scottish Ministers and their staff may therefore have led to ACPOS filling something of a vacuum in the national strategic direction of policing – a role performed in England and Wales by the Home Secretary and Home Office. This situation did not persist for long but, when Scottish Ministers and civil servants turned their attention to policing as was inevitable and wholly to be expected, the dynamic had changed enough to make chief officers perhaps feel that some of their territory was being threatened.

- Today, as evidenced by the number of policing issues which are necessarily discussed at national level and need to be influenced by central government, and as also demonstrated by the Scottish Government's own on-line information to the public as quoted earlier, the national role for government includes ultimate decision-making on national policing policy, always bearing in mind that the Scottish Government appears (either because of scale or inclination) to have a closer and more consultative relationship with the police service and police authorities than does the UK Government with counterparts in England and Wales. Nevertheless, no-one can dispute that an elected government in Scotland is the final arbiter of how the preservation and promotion of law and order and community wellbeing is achieved, and Scottish Ministers are therefore held to account for that by the electorate.

- Whatever the case, in terms of whether ACPOS or Scottish Government holds sway in deciding the future direction of policing in Scotland, both are vital partners, as is the emerging influence of the Scottish Police Conveners Forum, a relatively more recent national embodiment of the third partner in tripartism. The fact that both chief constables and police conveners, the local partners of eight tripartite arrangements of governance, are now represented at a national level by bodies which increasingly engage in dialogue about national policing issues, means that the already complex and sometimes confusing system of police governance and accountability has rapidly become even more complex. However, to date, the apparatus of neither national nor local policing accountability has addressed the issue of regional collaborations between forces to provide services, and how this can/should be governed.

- Finally, there is the small but significant matter of reserved policing matters, e.g. national security and counter-terrorism; drugs legislation; road safety. This review did not focus on these matters but chief officers in referring to them in workshops did not indicate that they felt there was a problem with these matters being reserved: indeed in the case of counter-terrorism there were strong views put forward that, as a UK-wide issue, this was something that needed a UK-wide approach. Nevertheless, the mere fact that the UK Government has some influence, power and direction over Scottish policing in these limited areas is another aspect of the increasing complexity of police governance and accountability for Scotland.

5. Monitoring and scrutiny

- Police forces and chief officers have recently pointed to the number of mechanisms in place for measuring, scrutinising and monitoring their work. As part of the public services they are not unique in this respect and Professor Lorne Crerar recently completed an extensive review of scrutiny (see The Report of the Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland, published September 2007, at http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/IndependentReviewofReg/latest-news/TheCrerarReview) which has pointed to some of the ways in which the so-called burden of scrutiny can be reduced while at the same time improving the value of that scrutiny in improving services. Before the Crerar Review started HMICS had begun to change its approach and practice to inspection of forces and indeed those changes now in place closely reflect what Crerar recommended.

- However, it must be true that the increasing complexity of the levels and nature of policing, and particularly policing partnership working (e.g. for child protection), have contributed to an increase in monitoring and scrutiny.

- For instance, increased national and local cooperation within the partners of the criminal justice system, and within police stakeholders on performance monitoring, has contributed to greater national scrutiny since new information is now gathered more consistently over a number of police activities and processes.

- The HMICS encouragement of ACPOS to identify and formalise policing standards is partly intended, along with the introduction of the Scottish Policing Performance Framework, to provide police authorities/boards with better information to help them hold police forces to account.

- It is undoubtedly the complexity of policing and its overlapping functions at local, regional and national levels, as well as in particular the complexity and divergence of its relationships with partners and with other policing organisations, which brings a necessary multiplicity to these scrutiny arrangements. Simpler and clearer relationships, and less of them, could certainly be reflected in simpler, less voluminous scrutiny.

Conclusion

Tripartite arrangements are not now as they were originally intended to be, and indeed never were an exclusive means of influencing the way in which policing is directed and controlled in Scotland. Levels and varieties of policing partnerships have increased since 1967, as has the appetite and need for consistently recorded performance and activity information. These are all healthy developments but it has to be acknowledged that they have fundamentally affected the way in which forces operate within the public service environment, both locally and nationally. Without any simplification of governance it is difficult to see how the demand and duplication of demand for information to support the complex accountability described can be reduced.

The increasing need to establish and share good practice, demonstrate this to the public, and ensure parity of service outcome across Scotland (accepting that this is achieved by different locally appropriate methods) means that many policing issues have to be discussed at national level. Add to this the increasing ability and desire of ACPOS to take a leading role in determining what direction policing takes in Scotland, as well as the uncertainty over how the Concordat and its Single Outcome Agreements will affect the role of police authorities and boards at local policing level, and one thing at least becomes clear to HMICS. Greater clarity is now needed over governance and accountability and the time is right for the Scottish Government to provide that clarity as well as to re-balance the tripartite arrangement so that both police authorities/boards and Government itself can play more active parts in maintaining and improving policing in Scotland.

One part of that re-balancing could be to use the emerging strengths of ACPOS and the Scottish Police Conveners Forum in a formal and perhaps statutory recognition of tripartism for national policing matters. For all that is said of the strength of tripartite arrangements there is currently no forum in which all three partners meet.

A national policing board to oversee and provide tripartite governance for those limited policing matters which need to be discussed and agreed at national level (excluding those allocated to the SPSA but including any proposals for further expansion of that organisation) would be a huge step forward for the police service in Scotland while implicitly and categorically acknowledging the sustained belief that most policing must remain locally delivered, locally commanded and held to account by local elected representatives. This board could be chaired by the Scottish Government and supported by tripartite sub-groups with independent expert advisors, as well as a permanent secretariat drawn from the three partners. The board might also usefully include representation from the Lord Advocate as the other legitimately interested policing partner in terms of crime investigation.

If the tripartite arrangement is to survive – and most within and connected to policing believe that it should – it needs to evolve and develop to reflect the needs and realities of policing in 21st century Scotland.

Malcolm R Dickson, QPM, MA, Dip Crim

Appendix B

Stakeholder questionnaire

HMICS HM INSPECTORATE OF
CONSTABULARY FOR SCOTLAND

Paddy Tomkins
QPM BA(Hons) RCDS
HM Chief Inspector of Constabulary

To

5 August 2008

Dear Colleague

INDEPENDENT REVIEW OF POLICING
STAKEHOLDER CONSULTATION

You may know that the Cabinet Secretary for Justice Mr Kenny MacAskill announced on 23 May 2008 that he had asked me to conduct an independent review of policing in Scotland and to report with recommendations by the end of December 2008.

The remit I have been given is as follows:

To review the roles and responsibilities of police forces in Scotland with the aim of ensuring

- *that all Scotland's communities have equal access to expert and specialist policing and to the resources necessary to investigate major crime, whenever they need it;*

- *that the delivery of such policing responsibilities does not divert resources away from visible policing in communities;*

- *in pursuance of this to identify policing responsibilities which might more effectively be delivered nationally, regionally, or by collaboration between forces;*

- *and to make recommendations for the organisation, governance and accountability which best supports the delivery of those policing responsibilities.*

As part of this review it is clearly important to consult with and ascertain the views of certain key stakeholders of policing in addition to members of the police forces/services and police authorities/boards with whom we will be consulting in person. This letter is therefore being sent to the partners of policing in local authorities, the criminal justice system, health boards and the emergency services (a full list is shown as Annex A), as well as other working partners of policing in Scotland and those who represent, examine or act as advocates for partners or key users. We would like to receive your observations or comments on seven broad issues, and any other matters you think we should consider, by **12 September 2008**.

Clearly there will be some matters on which your knowledge is not complete but we would ask that you offer a view on what you feel competent to comment upon, based on experience and knowledge of interaction with policing.

For those recipients who head large organisations with regular and varied interaction with police, for instance local authorities, you may wish to consult internally with relevant directors and then provide a combined response.

1. Key issues affecting your current operating context

Before looking ahead we would like to know what you feel are the most important issues currently affecting your service to the public. We are particularly interested in what affects the way you work with the police, with or without other partners.

Question 1: What do you perceive are the key issues affecting your service to the public at present? (This can be limited to a handful of bullet points unless technical explanation is needed).

2. Your strategic outlook

Clearly policing does not operate in a vacuum and one of the influences on how it should be shaped in the future must be the planned or anticipated development of its key stakeholders. For instance, police forces and the Association of Chief Police Officers in Scotland have been strong supporters of the reforms which have introduced community planning, single outcome agreements and criminal justice reform. But it is not yet clear how each of these will ultimately work in practice, nor how the new relationships between policing, community well-being, criminal justice and the devolved Government and Parliament, or the changing face of Europe, will affect stakeholders.

Question 2:

2a. What aspects, if any, of your planned development are likely or ought to have an influence on policing in Scotland over the next 5 years?

2b. What changes, if any, do you anticipate in the environment in which you operate which are likely or ought to have an influence on policing in Scotland over the next 5 years?

3. Important service delivery issues for policing

Your perspective, looking at the police service from outside yet sometimes at close quarters, will be valuable to our review. There are several broad themes that most people within policing might agree appear to be important in terms of delivering the best possible service to the public, but we are keen to learn what you think about this. Naturally crime and therefore the victims of crime as well as witnesses and potential victims of crime are very important in terms of service delivery. But most commentators would agree that all members of the public receive a service from the police in relation to crime and the other functions undertaken by the service (for instance responding to minor and major emergencies, assisting partners in the effort to reduce crime and disorder, working to protect people at risk of harm, supporting national security) regardless of whether they have contact with the police or not.

Question 3: What do you see as the important issues affecting police service delivery?

4. How local is local for policing?

You will know that currently most of policing in Scotland is provided by territorial units known as police divisions or command units/areas within the 8 police forces, with some assistance from Force-level functions such as call-handling centres and specialist operational units. Occasionally forces combine to carry out one-off tasks like policing major events or investigating a crime which straddles two or more force areas. At other times specialist units in one force with specific skills or resources will assist other forces (eg for underwater searches or using mounted police). Some policing functions are carried out partially or entirely at national level. Examples of this which are delivered nationally under the recently formed Scottish Police Services Authority (SPSA) include training, information and communications technology development, maintenance of national databases, and tackling serious organised crime.

Part of this HMICS review will look at how much capability and capacity there is within these three basic levels of policing in Scotland: police divisions/command units, forces themselves, and above force level (i.e. 'supra-force'). We want to establish whether or not a consistent standard of policing service is provided to all parts of Scotland, particularly in the small volume of high-risk, yet critical policing areas such as:

- serious crime investigation
- tackling organised crime (including IT and internet-related crime, other 'white collar' crime, serious fraud, organised prostitution, human trafficking)
- counter-terrorism
- specialist police use of firearms
- response to major emergencies
- policing of motorways and major routes
- policing of transport undertakings
- air support.

The Justice Committee of the Scottish Parliament, in a report on its Inquiry into the *Effective Use of Police Resources*, published in January 2008, considered that 'suggestions from HMICS that a more systematic approach be taken to determining what functions ought to be provided by the SPSA, or at least coordinated at a level higher than that of individual forces, should be progressed in order to drive further efficiency savings which can be used to augment front-line policing'.[16]

We appreciate that many stakeholders will be interested most often or only in the policing activity which represents by far the biggest proportion of activity and is provided and managed locally. This is the very important policing of communities which deals with thousands of daily emergencies, community problems, and the volume crime which is predominantly local in nature and committed by local people. However, we believe it is important to understand what stakeholders think about how this and other types of policing are delivered and the relationship between these. The National Intelligence Model (NIM) now used by all forces in Scotland recognises that there is often a link between local crime, crime which might be classed as regional or national, and crime which transcends all borders, as well as between the participants in low level criminal activity and those involved in more serious forms of crime. We acknowledge that these links will always need to be addressed in any form of relationship between local, regional and 'supra-force' policing.

We want to try to gauge what needs to be local, how local is local, what need not be, and what needs to be provided at a higher level, at least as far as stakeholders are concerned. We want to ensure as far as possible that there is sufficient resilience to deliver the aspiration articulated in our remit, ie *that all Scotland's communities have equal access to expert and specialist policing and to the resources necessary to investigate major crime, whenever they need it.*

Question 4:

4a. **Are there any broad principles which might help to determine what aspects of policing need to be concentrated at each of the three broad levels of organisation? In other words, what should determine the aspects of policing which need to be locally managed and delivered, what should determine what needs to be managed at a group or regional level (ie what is currently force level for most forces) and what should determine what needs to be managed if not delivered at a level higher than most of the forces in Scotland, i.e. 'supra force'?**

4b. **Do you believe that all Scottish police forces are currently able to respond to broader strategic issues that impact on communities but may not have manifested themselves in specific incidents or reports to local police (eg how identity fraud is committed and its extent, or the way that organised crime influences drug dealing in communities and the sex industry)?**

---

16 Paragraph 145, *Justice Committee of the Scottish Parliament, 4th Report, 2008* (Session 3)

5. Standards

The Association of Chief Police Officers in Scotland (ACPOS) has agreed with HMICS that it is important to identify standards of police service delivery, many of which already exist in documents either created or adopted by ACPOS. The Inspectorate believes that this is essential in order to:

- give clarity to the public and policing partners
- promote consistency in policing where that is desirable
- establish what support is needed for local policing.

Currently, for instance, ACPOS has agreed and circulated within the police service a Drugs Strategy, Public Reassurance Strategy, People Strategy, and Diversity Strategy, amongst several others. While these set broad aims and do not prescribe comprehensive standards describing how policing is delivered in these areas, they do provide some standards and could be used to guide compilation of the rest. Other more explicit standards created by ACPOS include the Scottish Crime Recording Standard, and manuals for the police use of firearms, public order and the investigation of homicide. ACPOS has also adopted standards necessarily set elsewhere such as the guidelines issued on crime investigation from time to time by the Lord Advocate or regulations relating to health and safety at work.

Most relevant to this review are those which set a minimum standard for what the public can expect when they interact with or seek police assistance, and those which describe how the police will tackle critical challenges such as those murders or sex offences which have a significant impact on communities, or dealing with armed criminals on the move, or tracing a vulnerable person who has gone missing and may be in any number of places within the UK or beyond.

We appreciate that the nature of locally delivered policing, the differences between communities, and the need to experiment occasionally with new approaches mean that there will always and perhaps should always be variances in the way that policing is delivered. However, we do believe that members of the public have a right to expect the same minimum standard of service wherever they are in Scotland so that, for instance, the police will do all of the same things for the parent of an 11 year old who goes missing in Stornoway, Strathaven, Stranraer, Stonehaven or Stenhousemuir.

Question 5:

5a. Is it possible for police forces and services to maintain their independence while adopting common minimum standards of service delivery?

5b. If so, how might this be achieved?

6. Governance

You will be aware that currently the eight police forces in Scotland are governed by what is known as a tripartite arrangement: the chief constable has complete and independent authority over operational matters as they happen; the police authorities and boards[17] control expenditure, are charged with securing best value, monitor the operation and performance of the force, and appoint chief officers; and the Scottish Ministers determine overall expenditure on policing and work with the other two partners to secure efficient and effective policing. While both the police authorities/boards and Scottish Ministers have some powers over police forces and their chief constables, these are not as significant as the powers of their counterparts in, for instance, Northern Ireland or England and Wales. Police boards and authorities in Scotland are made up entirely of council nominated councillors from the constituent local authorit(y/ies) unlike in Northern Ireland or England and Wales.

Procurators fiscal have a controlling influence over police forces in so far as the investigation of crimes and sudden deaths are concerned. To this end, the Lord Advocate also has influence through the issue of guidelines on specific aspects of criminal investigation. Sheriffs principal also have some powers over chief constables although these have seldom if ever been used in recent times. Chief constables interact with criminal justice partners on important policy and performance issues via local criminal justice boards chaired by sheriffs principal and based on the latters' geographical areas. A national criminal justice board considers matters of national significance.

The recently created Scottish Police Services Authority (SPSA) is a non-departmental public body which provides a range of support services to Scottish police forces on a national basis including training, forensic science services, ICT development and national database maintenance, and also maintains the Scottish Crime and Drug Enforcement Agency. The legislation which created the SPSA allows Scottish Ministers to transfer other support services to this body, subject to the approval of the Scottish Parliament. Currently, the Association of Chief Police Officers in Scotland (ACPOS) and other police bodies are responding to a request from the Scottish Government that they consider the feasibility of collaborative administration of the recruitment of police officers.

ACPOS is now a limited company which describes itself as 'the professional voice of police leadership in Scotland'. The Association is involved in the formulation of strategies and policies for the police service in Scotland and speaks for the service in dealing with national partners.

The Justice Committee in its January 2008 report on the Effective Use of Police Resources, recommended that:

• the Scottish Government should re-state and clarify the respective roles and responsibilities of chief constables, police authorities and the Scottish Government within the tripartite relationship;[18]

• the Scottish Government should review the composition of police authorities to assess whether their capacity to scrutinise their respective chief constables and police forces could be bolstered by augmenting their membership. The Committee considers that independent members, appointed in an advisory capacity, could contribute particular professional skills and expertise;[19]

---

17 Two councils (Fife and Dumfries and Galloway) act as police authorities, for the remaining six forces there are joint police boards made up of three or more council representatives

18 Paragraph 349, *Justice Committee of the Scottish Parliament, 4th Report, 2008* (Session 3)

19 Paragraph 351, ibid.

- police authorities should ensure they have access to a sufficiency of professional support and analytical capacity in order to scrutinise the performance of police forces;[20]
- the Scottish Government should introduce appropriate mechanisms to strengthen the accountability of ACPOS in order to secure its legitimate status as the leadership of the police service in Scotland.[21]

Most recently, the advent of Single Outcome Agreements between the Scottish Government and local authorities, building on the community planning partnerships already in place at local authority level, have arguably strengthened the need for the six police forces who cover more than one council area to concentrate much of their strategic thinking, planning and activity at that level rather than at force level. HMICS has also started to monitor a standard form of self-assessment for policing across Scotland which is based at the level of policing below force level – at divisional/command area and departmental level.

Question 6:

6a. Do you feel there is any need for the mechanisms of police governance to be reviewed?

6b. If so, how might this be achieved?

6c. Is there any other way in which the national role played by ACPOS and the growing importance of partnership working with local authorities and other community planning partners might be accommodated in addition to or instead of changes to police governance?

Question 7: Is there any other issue or information which you feel should influence our review and we should consider?

We would be grateful for your responses to as many of these questions as you feel able to offer. All responses should be sent to HMICS.Independentreview@scotland.gsi.gov.uk by **12 September 2008**. Please do not hesitate to add anything further that you think we should consider in relation to our review. We intend to make as much as possible of the material collected for this Review publicly accessible so, unless you ask us not to, we will publish your response on our website.

The responses will be analysed within HMICS and we aim to produce a summary report which will also be published on our website. This will then be considered alongside the results of police service consultation (a series of force-based workshops involving senior management and police authority/board members, and wider consultation), as well as a scoping study of policing arrangements in some similar countries outwith the UK as well as in the rest of the British Isles. Together with previous work completed by ACPOS on a Capacity and Capability Review and some studies in the same area undertaken by the Scottish Government, these separate pieces of work will inform the final review report with recommendations to the Cabinet Secretary by the end of December 2008.

---

20 Paragraph 353, ibid.
21 Paragraph 356, ibid.

Thank you in advance for your cooperation in this consultation exercise. As we develop options for consideration we may return to some or all of the stakeholders for further reaction.

Yours sincerely,

Paddy Tomkins
HM Chief Inspector of Constabulary

Copies for information to:

Chair of Scottish Police Conveners Forum
President of ACPOS
President of Association of Scottish Police Superintendents
Secretary of Scottish Police Federation

Annex A

List of addressees:

Chief Executives of 32 local authorities

President of COSLA

Norman McFadyen, Crown Agent

All Area Procurators Fiscal

All Sheriffs Principal

Lord Hamilton, Lord Justice General of Scotland

Jim Martin, Police Complaints Commissioner for Scotland

Netta Maciver, Principal Reporter/Chief Executive, Scottish Children's Reporter Administration

Kathleen Marshall, Scotland's Commissioner for Children and Young People

Chief Executives of 14 regional NHS organisations

Mike Ewart, Chief Executive of the Scottish Prison Service

Eleanor Emberson, Chief Executive of the Scottish Court Service

Adrian Lucas, Chief Executive of the Scottish Ambulance Service

Chief Fire Officers of the eight fire and rescue services

Chief Officers of Community Justice Authorities

Jonathan Evans, Director General, The Security Service

Bill Hughes, Director General, Serious Organised Crime Agency

UK Border Agency

Peter Neyroud, Chief Executive, National Policing Improvement Agency

Iain McMillan, Director, CBI Scotland Office

Alan Dobie, Executive Director, Scottish Business Crime Centre

Dr Nicola Brewer, Chief Executive, Equality and Human Rights Commission

David McKenna, Chief Executive, Victim Support Scotland

Susan Matheson, Chief Executive, SACRO

Robert Black, Auditor General for Scotland

Joseph O'Donnell, Chief Inspector of Prosecution for Scotland

Alexis Jay, Chief Inspector, Social Work Inspection Agency for Scotland

Dr Andrew Maclellan, HM Chief Inspector of Prisons for Scotland

Graham Donaldson, HM Senior Chief Inspector of Education for Scotland

John Vine, Chief Inspector for the UK Border Agency

Appendix C

Stakeholder questionnaire

Response analysis

Stakeholder Survey Responses: Summary of Main Issues

This summary reports the views of key stakeholders and working partners of policing in Scotland, including those in local authorities, the criminal justice system, health boards, and the emergency services. In total, just over 100 organisations were approached to take part in the survey, forty-one of whom provided written responses.

The consultation posed a series of questions which were designed to elicit stakeholder views on the following issues: their current operating context; their strategic outlook; service delivery issues for policing; local policing issues; standards; and governance. Whilst in many cases organisations did not elect to answer every question, taken as a whole the responses provide a broad overview of stakeholders' experiences, expectations and knowledge of interaction with policing.

Although individual stakeholder responses frequently highlighted a range of specific issues relating to their own delivery concerns, it was also possible to identify a number of broad, common issues and experiences. This brief summary draws together these main themes and outlines the findings.

What do you perceive are the key issues affecting your service to the public at present?

According to 33 per cent of the 36 stakeholders opting to respond to this question, the key issue affecting current service delivery is the need for effective co-ordination and working communications within and between organisations. Where partnerships were held to be positive, stakeholders widely acknowledged the achievements made in terms of fostering close strategic and operational relationships:

> The development of a shared agenda has in our view contributed greatly to a more effective and 'joined up' approach.
>
> *West Dunbartonshire Council*

Furthermore, in light of previous constructive experiences, respondents welcomed the prospect of adopting further measures to ensure an integrated working environment:

> ...the opportunity to strengthen and enhance partnership working should, we believe, be an underlying principle for all future activity.
>
> *East Ayrshire Council*

However, as a result of the increasing demands upon agencies to work together through a wide variety of structural and partnership arrangements, attention was also drawn to the lack of clarity over roles and targets and in ten cases (30 per cent), the need to enhance and to promote greater coherence in partnership working. As one organisation commented:

> The critical importance of ensuring that referral mechanisms from the police service, our largest stakeholder, remain strong and robust and where possible enhanced…. Victim Support Scotland believe that the current level of referrals from the Scottish police service could be more than doubled over the next three years through more effective referral arrangements.

Victim Support Scotland

Twenty-two per cent of respondents also emphasised the need to maintain effective intelligence and risk assessment when dealing with offender management in the community. Stakeholders considered it necessary to ensure that any data-sharing processes between partner organisations are adequately set up; enabling efficient management and helping to enhance public confidence in the criminal justice system.

In addition to issues of communication, a range of economic, environmental and practical issues were also identified, including: financial pressures and a lack of resources (14 per cent); increasing migration and community diversity (11 per cent); and planning within the context of Single Outcome Agreements (14 per cent). These key issues also arose in respect of stakeholder concerns about future impacts upon policing in Scotland and are thus outlined in the following section.

What aspects, if any, of your planned development are likely or ought to have an influence on policing in Scotland over the next 5 years? Do you anticipate that any changes in the environment in which you operate are likely to influence policing?

Thirty stakeholder organisations considered the key issues likely to influence policing over the next five years. A range of planned/environmental changes were identified as influential, with stakeholders each anticipating an average of five concerns. Taken together, these concerns can be broadly summarised under the following three themes:

- Political and community tensions (e.g. terrorist threats) and environmental hazards (e.g. floods).
- Budgetary constraints and an uncertain financial situation.
- Changing public service working environments arising from community planning partnerships and Single Outcome Agreements.

In the first instance, 14 stakeholders (47 per cent) perceived that community and environmental factors were likely to impact upon their practices and planned developments. As a result of these acknowledged difficulties, respondents highlighted the importance of greater integrated emergency response planning and management. Stakeholders further suggested there is a need for greater emphasis on risk assessment through partnership working, joint processes, and systems:

> The development of operating protocols and response procedures regarding terrorist events and the effects of climate change …impact on emergency and council services alike.

Fife Council

Linked to this demand on resources was a general consensus that budgetary constraints and an increasingly uncertain financial environment would create difficulties for future planned developments. Eight stakeholders indicated that a reduction in funding capabilities could also impact upon partnership working arrangements:

> If, as envisaged, budgets remain tight this may lead to some services being cut or restricted and therefore may impact of joint working with the partners.

Midlothian Council

Specifically, stakeholders drew attention to the increased focus on managing offenders in the community and the additional burden placed on organisations by the introduction of Multi-Agency Public Protection Arrangements (MAPPA). The commitment of time and resources needed to help manage and monitor higher numbers of offenders in the community was considered to be an important issue for all organisations. One respondent questioned what steps had been taken to address this problem:

> ...how can all agencies work in a more streamlined and effective way to make such a change feasible within current resources?

Scottish Prison Service

A further area of concern noted by 12 of the 30 stakeholders (40 per cent) was some of the effects of community planning partnerships and joint challenges arising from the introduction of SOAs. The following quotations typify stakeholder responses:

> Single Outcome Agreements will become increasingly influential across the entire public sector. Their focus upon areas that require improvement will necessitate an alignment of the activities and policies of public bodies. This will have major implications for policing in Scotland, as well as the relationships between the police and other bodies.

Solace

> The development of the Single Outcome Agreement and its roll out to all Community Planning Partners as the key strategic policy document setting overall strategic targets and direction is likely to be the single most significant influence on Stirling Council, policing, and indeed all local public service delivery.

Stirling Council

It was anticipated that SOAs will influence the environment in which all local services are developed and delivered, with consequences for the way performance is managed and reported. It was further acknowledged that these Agreements may have a positive impact on the working environment, allowing organisations to build upon existing good practice in relation to partnership working. Indeed, common to each of the issues identified by stakeholder organisations was a perceived need for the continuation and enhancement of communication, information-sharing and partnership working between the police and its partner agencies. Respondents frequently emphasised the importance of establishing effective multi-agency working to help determine the success of initiatives, and to enable partners to achieve challenging national outcomes, indicators and targets:

> The issue of more effective partnership working across all public sector agencies will impact on ...issues of greater joint working, governance and information sharing.

Aberdeenshire Council

> The challenges to policing are similar to the challenges faced by all community planning partners – utilising resources available to us through working with organisations across Scotland to benefit from specialist knowledge, facilities etc … and ensuring that we connect locally with our communities to make sure services are responsive and accountable.
>
> *Fife Council*

What do you see as the important issues affecting police service delivery?

In general, the responses provided in answer to this question could be closely aligned with those given in answer to the previous two questions. That is, stakeholders tended to perceive that their current and anticipated planned developments/changes would also affect police service delivery.

In addition to those issues highlighted in the previous section, 32 per cent of all stakeholder respondents perceived a key issue affecting police service delivery to be the need to increase the numbers of visible and approachable police officers.

> The need for a visible police presence is fundamental to the success of community policing and public reassurance.
>
> *City of Edinburgh*

There was a generally held view that the high demands on policing services have resulted in a lack of high visibility patrolling within local communities. This has only served to enhance public concerns about rising levels of crime. As such, stakeholders suggested that increasing a notable police presence and active engagement with members of the community would act as a means of alleviating public perceptions of crime: providing reassurance and promoting realistic understanding.

> Any potential of the police service having reduced capacity to engage in local crime and anti-social behaviour preventative initiatives is a concern. Continuation of the operational strategies by the police relating to public reassurance, response policing and engaging criminality is important.
>
> *East Renfrewshire Council*

Three stakeholders drew specific attention to the importance of fostering links with key community groups, such as young people, in order to help break down barriers and misunderstandings about the police, and to encourage the reporting of crime and anti-social behaviour. Drawing upon a recent consultation exercise, one organisation commented:

> Young people want more visible policing, but they want the police to be trained to be friendly and accessible to them…it would help address young people's concerns if …relationship building was valued more highly.
>
> *Scotland's Commissioner for Children and Young People*

An additional related area of concern noted by 11 stakeholders was public perceptions of risk, and in particular, children's protection services and offender management in the community. Both aspects of service delivery were held to be crucial in determining confidence in public services, however, as highlighted elsewhere in this report, concerns remained over the practical implications of effectively managing these services where interventions, such as MAPPA, remain so resource intensive.

The police, no less than other services, are at risk of having unrealistic expectations thrust upon them in respect of public protection unless adequate resources are allocated to address them.

West Dunbartonshire Council

Overall, there was a consensus among stakeholders for the need to ensure a balance between building community confidence/meeting expectations at a local level and ensuring that the police can deal with pressures to deliver wider national objectives.

Are there any broad principles which might help to determine what aspects of policing need to be concentrated at each of the three broad levels of organisation?

Do you believe that all Scottish police forces are currently able to respond to broader strategic issues that impact on communities but may not have manifested themselves in specific incidents or reports to local police?

Examination of the 30 responses to this question indicated that there was a lack of consensus regarding the specific principles necessary to determine aspects of policing at each of the three levels of organisation. Rather, respondents implied that co-operation and co-ordination were of greater importance than an '...inflexible delineation of functions to different levels' (Solace). Indeed, eight of the 30 (27 per cent) stakeholders perceived that when seeking to determine policing priorities, organisational structures should not be a primary concern. The quotations, below, typify such responses:

The notion that clear, rational principles can be identified to underpin the shape of the Scottish public services and that there is a therefore a 'correct' solution or model, is akin to the search for the Holy Grail.

East Lothian Council

It would seem unlikely that possible 'solutions' will reside wholly within one 'level' ... the key issue is good communication and co-ordination within and across forces, rather than a rigid delineation of functions being carried out at different levels.

Fife Council

Moreover, it was believed that centralisation of services should not be the main objective in determining resource management and distribution:

It is [not] necessarily helpful, to create lists of what is best managed at what level [this] will of necessity vary depending on the experience and perspective of respondents... Centralising activity does not necessarily promote effective service delivery.

South Lanarkshire Council

Any proposed changes to current policing arrangements should clearly identify the benefits they would bring to local policing. We would be concerned about further centralisation of police services and suggest that the recent centralisation moves need time to establish themselves and demonstrate their benefits or other impact to local police services.

Aberdeen City Council

Nevertheless, there was acknowledgement among seven of the 30 stakeholders (23 per cent) that it would be useful to have some dimensions of policing that could primarily be managed at a 'higher' level, particularly in relation to crimes that are not maintained within geographic boundaries, for example, child protection, human trafficking and serious fraud. However, a caveat to this view was that any management of such resources should not impinge upon local policing activities or deplete existing services. Instead, every attempt should be made to draw upon representatives who have sufficient local knowledge and experience. As two stakeholders explained:

> We would support a national approach to serious crime and counter-terrorism, although local agencies should retain some input/linkage to ensure that local dimensions are fully considered.

Scottish Borders Council

> Policing activities at a regional and national level need to be informed and advised by local knowledge.

Orkney Community Safety Partnership

It was felt that rather than assigning responsibility to particular levels of policing, encouraging continued co-operation, shared approaches, and multi-agency working may be a more useful way of moving forward. It was also anticipated that this kind of integrated approach could increase effective cross-working and reduce costs.

In relation to how forces may be able to respond to broader strategic issues, it was generally felt that expertise develops further in some forces than others – primarily due to frequency of occurrence of particular types of offences – and thus there will inevitably be differences in capability to respond to broad strategic issues. For four stakeholders, the importance of ensuring that support is available and accessible to all forces means that, rather than 'levelling down' the capacities of any other forces' resources, attempts should instead be made to increase resources:

> Should capacity issues exist... then, the emphasis should be on levelling up rather than dissipating existing capabilities and services to communities.

South Lanarkshire Council

> The council values the ability of the police to share expertise across all of the functions of the police to inform all aspects of service delivery. Further, the council recognises that other police forces in Scotland do not carry the range of specialist functions provided through Strathclyde Police, but the solution ...is not to diminish those available in Strathclyde.

East Renfrewshire Council

Additionally, the stakeholders suggested that services could usefully be shared between forces:

> There are clearly a number of ways in which a strategic perspective can be maintained without moving towards a single national structure. For example, specialist teams who build expertise in particular areas of police work and can support police forces who may not have the capacity or opportunity to develop specialist knowledge.

Aberdeenshire Council

From this perspective, the benefits of enabling shared specialist teams (e.g. forensic specialists) to respond to incidents where forces do not have existing resources, are increased effective cross-working and a reduction of costs within and between police forces. An additional two respondents felt that drawing upon the support of stakeholders could enable the sharing of resources (e.g. drug dogs, incident management training, drug testing facilities) between partner organisations and police forces, particularly in areas of risk assessment and training on incident management.

Is it possible for police forces and services to maintain their independence while adopting common minimum standards of service delivery? If so, how might this be achieved?

Seventy-two per cent of the 32 stakeholder organisations who responded to this question welcomed the opportunity for police forces and services to maintain their independence whilst adopting common minimum standards of service delivery. There was a consensus among respondents that there should be 'no conflict' between the concept of establishing and working to national agreed standards, and the ability to maintain autonomy to provide effective local service delivery. As one respondent reasoned:

> It ought to be possible to maintain independence for forces whilst delivering to minimum standards. This already happens to a large extent in other parts of the public sector. The Social Work Services require to deliver minimum levels of care but has some flexibility on how to discharge its responsibilities. The Education Service must deliver a national curriculum and a set number of school days but how those are delivered is at the discretion of local officers and elected members.

Angus Council

In terms of how this might best be achieved, ten of the 32 stakeholder organisations (26 per cent) felt that the primary goal would be to ensure that measurements relate clearly and solely to *outcomes*, rather than methods or processes: thus enabling forces to preserve a level of independence to utilise their knowledge about 'what works' in relation to local priorities, and to implement changes flexibly rather than through rigid uniformity. The following quotations reflect the views of these ten organisations:

> Setting standards is essential so service planning and delivery can be measured against a robust definition of service expectations. It is important, however, that local flexibility is retained so that decisions can be made according to local need and local priorities.

City of Edinburgh Council

> The way to improve standards across the country is by way of encouraging good practice and consistency rather than imposing rigid uniformity. Common standards of best practice provide an opportunity for benchmarking across the eight forces within a consistent framework. This approach ensures collaborative, informed working in the development of standards but allows local forces flexibility as determined by local priorities informed by risk assessment.

Fife Council

In addition, nine stakeholders believed that an effective means of ensuring standards of service delivery would be to establish sub-committees or working parties with stakeholders, members of the public, and across police forces. It was anticipated that this would provide the police with feedback and facilitate the sharing of good practice and training. There was also a perception that the ability to utilise feedback would enable the evaluation and monitoring of police standards:

> An approach based primarily on robust self-evaluation and performance monitoring, complemented by a degree of external inspection, should underpin service standards for all public services.

> *Solace*

Although broadly supportive, nine of the 30 stakeholders (28 per cent) held concerns about the adoption of common minimum standards of service delivery. In particular, these respondents noted that in setting standards, consideration should be given to the need to identify local priorities and constraints which may affect and impact upon how effectively services may be delivered within individual forces.

Additionally, respondents felt that attention would need to be given to the extent to which standards would remain static when faced with constant upward pressure. It was also believed that in devising any common standards of service delivery, consideration must be given to how these standards could be enforced where there is failure.

Do you feel there is any need for the mechanisms of police governance to be reviewed? If so, how might this be achieved?

Is there any other way in which the national role played by ACPOS and the growing importance of partnership working with local authorities and other community planning partners might be accommodated in addition to, or instead of changes to police governance?

Stakeholders provided mixed responses about the need to review mechanisms of police governance. Of the 22 organisations who elected to respond to this question, 50 per cent believed that there was no requirement for a review.

Among this group, responses tended to focus on the fact that the current tripartite system was working effectively at the present time; with mechanisms seemingly robust and receptive to needs:

> ...the existing mechanisms of police governance are working well ... any review must be based on ensuring that the key principles of local accountability, policing by consent and the tripartite approach are retained.

> *South Lanarkshire Council*

Nevertheless, despite a positive appraisal of current police governance, it was generally felt that continued work on accountability and further clarity over operational matters would be welcomed. In particular, it was perceived that assessments of the current system would help to highlight any flaws or issues. As two stakeholder organisations reflected:

> There may be merit in improving clarity of what is an operational matter and therefore what lies within the responsibility of the Chief Constable.

> *South Lanarkshire Council*

A restatement of respective roles by the Scottish Government would be useful and continuing work on accountability will be required – but it is not considered that any review process is necessary beyond this.

Fife Council

Among the 11 stakeholders who felt that a review was required, there was a perceived need to a need to take better account of the contribution of other agencies; to improve accountability; and to acknowledge the introduction and potential impact of the Single Outcome Agreements.

The traditional model of independent operation of the police requires to be reviewed to take account of the contribution of other agencies and improve local oversight and accountability. Partnerships are crucial.

Clackmannanshire Council

As the Single Outcome Agreement is becoming the driver for local priority setting, with monitoring and evaluation being facilitated through partnership structures, it would seem an opportunity to clarify the role and responsibilities of all partners' governance arrangements ... it would appear timely to look towards the future and investigate how accountability structure may be shared or better delivered.

Scottish Borders Council

In general, it was considered that reviews of police governance could take place in partnership with stakeholders and agencies (e.g. community safety partnerships, criminal justice authorities) and through committees/planning and forums/reviews. The perceived benefits of introducing such arrangements were an increase in collective responsibility and a fostering of shared good practice, both across Scotland and within Northern Ireland and England.

There might ...be merit in further discussions between the various partners in police services to agree a common set of objectives and identify the key steps that need to be taken, by whom and over what timescale, to improve on current arrangements.

Audit Scotland

The vast majority of stakeholders chose not to comment upon the role of ACPOS. Among those seven organisations providing responses, there was a belief that whilst ACPOS provides a helpful and professional role, it might additionally be assisted by emulating aspects of the Convention of Scottish Local Authorities (COSLA). Two organisations noted:

The role performed by COSLA ...may assist in developing mechanisms and approaches to governance and thereby underpin the role of the police in community planning and the development of Single Outcome Agreements.

Lothian and Borders Fire and Rescue Service

COSLA may be better placed to provide a perspective on accommodating the national role played by ACPOS

Social Work Inspection Agency

It was further suggested that ACPOS could be involved in a National Community Planning Forum alongside Community Safety Partnerships, Criminal Justice Authorities and other organisations involved in community planning. The potential benefits of such inclusion were cited as the facilitation of more collective responsibility and an increase in aspects of accountability and policing by consent.

> The role of ACPOS is broad and varied, but to date ACPOS has acted in a fairly autonomous manner. It may therefore be that it needs to consider becoming more open and transparent. It may also be that ACPOS needs to be more inclusive and hold regular meetings... There is definite scope for partners to serve on some of the sub-committees and working parties established by ACPOS where these involve the need for partnership working.
>
> *East Ayrshire Council*

Such integration and communication could not only assist organisations in becoming more transparent but also inform strategic thinking alongside any review of governance. Stakeholders further suggested that any such moves to incorporate changes would benefit from prior consideration of good practice in similar administrations.

Is there any other issue or information which you feel should influence our review and we should consider?

The stakeholder consultation findings suggest both a broad degree of support for the current tripartite arrangements and positive working relationships with the police. Nonetheless, some stakeholders retained concerns about the need to ensure transparency and to strengthen accountability through more collective responsibility. In this sense, there remains considerable support for continued and ongoing dialogue between stakeholder organisations and police forces across Scotland. Given the identified challenges currently facing public service organisations it was deemed imperative to further enhance working relationships and to align police provision with that of their partner organisations. The perceived benefits of doing so include opportunities to gain knowledge and insight into the difficulties facing stakeholders; augment understanding about the local community issues; simplify joint operational issues; and enhance working knowledge about how partners may contribute to the task of managing and preventing crime.

Appendix D

International stakeholder questionnaire

Paddy Tomkins
QPM BA(Hons) RCDS
HM Chief Inspector of Constabulary

Sir Peter Ricketts
Permanent Under Secretary
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH
14 July 2008

Dear Sir Peter

HM Inspectorate of Constabulary for Scotland
Independent review of policing in Scotland

The Cabinet Secretary for Justice in Scotland has asked me to undertake a short and focused review of certain aspects of policing in Scotland by the end of December 2008. The remit is attached for information.

As part of this work I intend to seek good practice in other parts of the world (as well as other parts of the United Kingdom) and I wonder if the FCO might assist in helping to point us in the direction of those countries where there is some similarity to policing in the UK, and some arrangement for ensuring that local policing is consistently supported by readily available specialist and expert policing.

Simply stated we seek your advice in identifying a handful of countries from which we might learn, and in locating a single contact in each who might be prepared to answer a short series of factual questions about the policing arrangements. Any assistance you can offer would be greatly appreciated. This aspect of our work is being led by a former Assistant Inspector of Constabulary, Malcolm R Dickson QPM, who can be contacted at XXXXXXX or by writing to him at XXXXXXX.

Yours sincerely,

HMICS HM INSPECTORATE OF
CONSTABULARY FOR SCOTLAND

Paddy Tomkins
QPM BA(Hons) RCDS
HM Chief Inspector of Constabulary

27 November 2008

Dear Sir

Independent review of policing in Scotland
International scoping study

I am writing to seek your assistance with the above review. This should not be difficult nor time-consuming but should help me to carry out an important piece of work for policing in Scotland.

Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) is an independent, government-funded body responsible for monitoring and improving the police services in Scotland. HMICS does this by:

- inspecting and advising police forces and services
- carrying out 'thematic' inspections
- providing advice to Scottish Ministers.

Although HMICS is independent of the Scottish Government, Ministers can call upon the Inspectorate to undertake particular pieces of work.

The Cabinet Secretary for Justice in Scotland (senior minister for justice, including policing), Mr Kenny MacAskill, announced on 23 May 2008 that he had asked me to conduct an independent review of policing in Scotland and to report with recommendations by the end of December 2008.

The remit given by the Cabinet Secretary was as follows:

To review the roles and responsibilities of police forces in Scotland with the aim of ensuring

- *that all Scotland's communities have equal access to expert and specialist policing and to the resources necessary to investigate major crime, whenever they need it;*
- *that the delivery of such policing responsibilities does not divert resources away from visible policing in communities;*
- *in pursuance of this to identify policing responsibilities which might more effectively be delivered nationally, regionally, or by collaboration between forces;*

- *and to make recommendations for the organisation, governance and accountability which best supports the delivery of those policing responsibilities.*

As part of this review I have asked for a brief international scoping of policing arrangements in those countries which are generally assessed to have developed appropriate arrangements for balancing local policing needs with national policing responsibilities. Reference to academic advice has suggested that the following countries would be worthy of inclusion in this scoping exercise: Australia, Canada, Denmark, New Zealand, Northern Ireland, Norway, Sweden, The Netherlands. The intention is to ask knowledgeable and authoritative government contacts in each of these countries to respond to a common set of factual questions about their policing systems.

In seeking to identify government contacts one of my review team, Mr Malcolm R Dickson, has spoken to Europol liaison officers for member states of the EU, and to the UK Foreign and Commonwealth Office for the other countries. The Scottish Government has provided the appropriate contact for the Northern Ireland Office. Malcolm has been advised that you should be able to respond to this request in relation to policing in your country. We appreciate that many of the questions relate to technical aspects of policing which may best be answered by reference to police officers, and this is of course acceptable but we would still prefer the final response – since it is to help inform Scottish Ministers – to come from your government.

I would therefore be very grateful if you could arrange to have the attached questionnaire completed for your country, signed by the most appropriate senior government official or Minister, and returned to me, if at all possible by 17 October 2008.

Yours sincerely

Paddy Tomkins
HM Chief Inspector of Constabulary for Scotland

HMICS HM INSPECTORATE OF
CONSTABULARY FOR SCOTLAND

Paddy Tomkins
QPM BA(Hons) RCDS
HM Chief Inspector of Constabulary

INDEPENDENT REVIEW OF POLICING IN SCOTLAND

International Scoping Questionnaire

Introduction

Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) is an independent, Government-funded body responsible for monitoring and improving the police services in Scotland. HMICS does this by:

- inspecting and advising police forces and services
- carrying out 'thematic' inspections
- providing advice to Scottish Ministers.

Although HMICS is independent of the Scottish Government, Ministers can call upon the Inspectorate to undertake particular pieces of work.

The Cabinet Secretary for Justice in Scotland (senior minister for justice), Mr Kenny MacAskill, announced on 23 May 2008 that he had asked Paddy Tomkins, HM Chief Inspector of Constabulary for Scotland to conduct an independent review of policing in Scotland and to report with recommendations by the end of December 2008.

The remit given by the Cabinet Secretary was as follows:

To review the roles and responsibilities of police forces in Scotland with the aim of ensuring

- *that all Scotland's communities have equal access to expert and specialist policing and to the resources necessary to investigate major crime, whenever they need it;*
- *that the delivery of such policing responsibilities does not divert resources away from visible policing in communities;*
- *in pursuance of this to identify policing responsibilities which might more effectively be delivered nationally, regionally, or by collaboration between forces;*
- *and to make recommendations for the organisation, governance and accountability which best supports the delivery of those policing responsibilities.*

As part of this review HMICS intends to undertake a brief international scoping of policing arrangements in those countries which are generally assessed to have developed appropriate arrangements for balancing local policing needs with national policing responsibilities. Reference to academic advice has suggested that the following countries would be worthy of inclusion in this scoping exercise: Australia, Canada, Denmark, New Zealand, Northern Ireland, Norway, Sweden, and the Netherlands. The intention is to ask knowledgeable and authoritative government contacts in each of these countries to respond to a common set of largely factual questions about their policing systems.

The UK Foreign and Commonwealth Office has assisted in providing contacts in Commonwealth countries and Europol has assisted for the Member States of the European Union.

The Questions

There are only 20 questions but one of these (Question 2) is sub-divided into a multiple-choice type of 'tick-box' with over 100 sections.

For the purposes of this exercise we have given the following meanings to the terms 'local policing', 'regional policing' and 'national policing', although we appreciate that not all countries will have such clear-cut splits or have as many splits:

local policing: A single large policing unit covering several towns or a part of a large city, sometimes with a rural area included, often sub-divided into smaller geographical units. Officers will normally be based in local towns or rural areas, managed by a locally based chain of command. The unit will be generally capable of dealing with most aspects of policing within its geographical area but either requires assistance from outside that area for some specialist and expert policing on a regular basis or some specialist and expert policing is provided separately.

regional policing: There may be three types of regional policing: (a) a grouping of local policing units such as those described under 'local policing' above into a single organisation with a further chain of command above local commanders (as in the UK model of 'forces'), or (b) a partnership of autonomous or independent local units which collaborate for mutual support in some aspects of expert and specialist policing or for other resource assistance, or (c) a single organisation covering a local government area of substantial size containing several large towns and cities but without further geographical sub-division. All three models may have differing capabilities in terms of expert and specialist policing.

national policing: The provision of a combination of one or more of five types of policing across the whole country: (a) the *command and control*, by means of one or more organisations, of the *majority of policing*, (b) the *command and control*, by means of one or more organisations, of *a proportion of policing*, (c) the *co-ordination and policy direction of some specialist and expert policing*, (d) the co-ordination, policy direction *and delivery* of some specialist and expert policing, (e) the *delivery only* of some specialist and expert types of policing.

1.   Are there separations between local, regional and national policing in your country? If so, can you describe the models along the lines of the definitions given above? (We accept that there may alternatively be one or two or more than three organisations or levels of policing and we would appreciate a description whatever the case, using similar terms to those used above).

2.   Which of the following functions are carried out at each level? We appreciate that this list will not be inclusive for some police organisations and that some of these functions will be carried out by other organisations. Our primary interest is in what is common between Scottish policing and policing elsewhere. Against each of the functions/activities listed please indicate by ticking the 'local' box if this is solely carried out by local policing, the 'regional' box if this is solely carried out by regional policing arrangements, the 'national' box if this is solely carried out by national policing arrangements, or any combination of these three boxes which appears to best describe a combination of provision in your country. If the function/activity is undertaken by a different organisation (not a police organisation) please indicate by ticking the 'different' box. (For the purposes of this exercise serious crime is intended to cover such crimes as homicide, rape and other serious sexual violence, kidnap/abduction, terrorism, serious fraud, armed robbery involving high values of property, human trafficking, thefts of high value property and corruption.)

Function or activity	local	regional	national	different
recording volume crime				
maintaining databases of recorded volume crime				
investigating volume crime				
collecting intelligence about volume crime				
maintaining databases of intelligence on volume crime				
analysing intelligence about volume crime				
protecting or helping to protect people from volume crime				
conducting surveillance of local criminals				
mounting proactive operations against local criminals				
preventing or helping to prevent volume crime				
reducing or helping to reduce volume crime				
developing strategy and policy on volume crime				
enforcing the law with local drug dealers				
developing strategy and policy on local drug dealing				
conducting surveillance of local drug dealers				
mounting proactive operations against local drug dealers				
collecting intelligence about drug dealing				
maintaining databases of intelligence on drug dealing				
analysing intelligence about drug dealing				

Function or activity	local	regional	national	different
investigating serious crime				
collecting intelligence about serious crime in general (some specific aspects of serious and organised crime are also referred to in the same way later in the list – ie terrorism, immigration crime, human trafficking, internet crime, serious fraud, kidnap/abduction with ransom demands)				
maintaining databases of intelligence on serious crime in general				
analysing intelligence about serious crime in general				
conducting surveillance of serious criminals				
mounting proactive operations against serious criminals				
developing strategy and policy on serious crime in general				
tackling higher level drug dealers				
collecting intelligence about organised crime				
maintaining databases of intelligence on organised crime				
analysing intelligence about organised crime				
conducting surveillance of organised criminals				
mounting proactive operations against organised criminals				
developing strategy and policy on organised crime				
investigating the financial aspects of serious and organised crime				
investigating money laundering				
investigating tax evasion				
investigating vice				
collecting intelligence about vice (prostitution, brothels etc)				
maintaining databases of intelligence on vice				
analysing intelligence about vice				
developing strategy and policy on vice				
tracing missing 'vulnerable people' (children, people with learning difficulties or mental health problems)				
investigating crimes against 'vulnerable people'				
investigating 'hate' crimes against minority victims (eg race crime, homophobic crime)				
co-ordinating and advising on technical aspects of territorial searches for people/evidence				
co-ordinating or directing searches for fugitives				
helping to solve community problems				
maintaining public order				

Function or activity	local	regional	national	different
dealing with minor outbreaks of disorder involving less than 20 people				
dealing with outbreaks of disorder involving between 20 and 100 people				
dealing with outbreaks of disorder involving more than 100 people				
dealing with sustained public rioting lasting more than 4 hours				
enforcing municipal laws and bye-laws				
investigating suspicious deaths				
investigating deaths which occur outside the deceased's home or hospital				
investigating deaths which have taken place in a dwelling when no other person was present				
examining the scenes of crime				
forensic science support (excluding DNA analysis)				
DNA analysis				
recording lost property				
receiving and returning found property				
traffic regulation in urban and rural areas				
traffic regulation on inter-city routes				
dealing with traffic collisions on urban and rural roads				
recording of traffic collisions on urban and rural roads				
dealing with traffic collisions on inter-city routes				
recording of traffic collisions on inter-city routes				
preventing or helping to prevent road collision casualties				
reducing or helping to reduce road collision casualties				
developing strategy and policy on road collision casualties				
policing marine ports				
policing airports				
policing rail transport				
facilitating safety at events in public places (crowd and traffic control)				
facilitating safety at sporting events				
facilitating safety at other commercial public events (eg rock concerts)				
developing strategy and policy on crowd/public safety				
protecting VIPs				
protecting public buildings				
protecting buildings vulnerable to serious crime (eg banks)				

Function or activity	local	regional	national	different
assisting other emergency services (fire and rescue services, ambulances) when getting to and from emergencies is difficult				
co-ordinating emergency responses in major disasters/emergencies (eg major accidents on transport undertakings, explosions, building collapses, severe weather episodes, terrorist attacks)				
developing strategy and policy on emergency response				
dealing with dangerous animals				
enforcing the law on crime against domestic animals				
enforcing the law on crimes committed against wildlife				
investigating terrorist crimes				
collecting intelligence about terrorism				
maintaining databases of intelligence on terrorism				
analysing intelligence about terrorism				
preventing or helping to prevent terrorism (ie counter-terrorism)				
developing strategy and policy on terrorism				
providing specialist police response to incidents involving chemical, biological, radiological or nuclear (CBRN) threat				
collecting intelligence on internet crime (excluding paedophilia)				
maintaining databases of intelligence on internet crime (excluding paedophilia)				
analysing intelligence about internet crime (excluding paedophilia)				
preventing or helping to prevent internet crime (excluding paedophilia)				
developing strategy and policy on internet crime (excluding paedophilia)				
collecting intelligence on internet paedophilia				
maintaining databases of intelligence on internet paedophilia				
analysing intelligence about internet paedophilia				
preventing or helping to prevent internet paedophilia				
developing strategy and policy on internet paedophilia				
investigating immigration crimes				
collecting intelligence about immigration crime				
maintaining databases of intelligence on immigration crime				
analysing intelligence about immigration crime				
preventing or helping to prevent immigration crime				
developing strategy and policy on immigration crime				
providing security at international Border control				

Function or activity	local	regional	national	different
checking identity at international Border controls				
carrying out deportation				
investigating human trafficking crimes				
collecting intelligence about human trafficking				
maintaining databases of intelligence on human trafficking				
analysing intelligence about human trafficking				
preventing or helping to prevent human trafficking				
developing strategy and policy on human trafficking				
liaison with police forces from other countries				
investigation of crimes which cross national borders				
assisting investigations of police from other countries				
collecting intelligence about serious fraud				
maintaining databases of intelligence on serious fraud				
analysing intelligence about serious fraud				
preventing or helping to prevent serious fraud				
developing strategy and policy on serious fraud				
collecting intelligence about identity theft/fraud				
maintaining databases of intelligence on identity theft/fraud				
analysing intelligence about identity theft/fraud				
preventing or helping to prevent identity theft/fraud				
developing strategy and policy on identity theft/fraud				
commanding response to hostage situations				
providing negotiating experts for hostage situations				
developing strategy and policy on hostage situations				
commanding response to kidnap/abduction with ransom demand				
providing negotiating experts for kidnap/abduction with ransom demand				
developing strategy and policy on kidnap/abduction with ransom demand				
investigating alleged police corruption				
investigating alleged corruption outside the police services				
processing reports about child offending				
participating in the system for dealing with child offending				
processing reports about children who may be in need of compulsory measures of care				

Function or activity	local	regional	national	different
participating in the system for dealing with children who may be in need of compulsory measures of care				
managing the custody of arrested alleged offenders until their appearance in court				
conducting identity parades				
providing aircraft support to policing				
providing underwater search support to policing				
providing marine and inland water craft support to policing				
providing 'dynamic entry' specialist firearms support to policing				
providing 'mobile armed surveillance' specialist firearms support to policing				
providing 'covert rural surveillance' specialist firearms support to policing				
providing mounted police officer support for public order policing				
providing dog handling support to policing				
providing hill and mountain rescue support to policing				

3. If there is more than one body undertaking national policing responsibilities, please briefly describe each and indicate in the table above which functions/activities they undertake.

4. Do all of the officers who carry out local policing have the same powers as each other?

5. Do all of the officers who carry out regional policing have the same powers as local officers, or more or less?

6. Do all of the officers who carry out national policing have the same powers as regional and local officers or more or less?

7. Is there any movement of personnel between levels of policing, either temporarily or permanently?

8. How is local policing related to elected local politicians? What powers do local/regional politicians have over local and regional policing?

9. Do national, elected politicians have any responsibility for local or regional policing?

10. What are the arrangements, if any, for local, regional and national policing services to report on their activities and performance to the public and/or to holders of political office?

11. How can local communities or individual members of the public influence policing at local, regional and national level?

12. What criteria if any dictate when one level of policing becomes involved in something initially handled by another level, and who makes the decision?

13. Are any cases or matters initially handled by national or regional policing ever handed 'down' to a lower level?

14.   How are the different levels of policing funded?

15.   When specialist and expert policing assistance or support is provided by one policing organisation to another, how is this funded?

16.   Are there any formal systems of communication and liaison meetings between levels of policing?

17.   Are there any national co-ordination bodies for policing and other law enforcement agencies?

18.   Are there any intentions to change any of the above arrangements (in relation to questions 1-17)?

19.   Can you offer quantitative evidence for the quality or success of your policing arrangements (for instance improving and high general public satisfaction levels, improving and high user satisfaction levels, improving and high levels of detected volume crime, successful detections for serious crimes).

20.   Please provide the following numerical data where relevant and possible, in all cases for the year 2007-08, or the latest available data (please indicate which year has been used if not 2007-08):

	local	regional	national	total
number of police officers				
number of staff who are not police officers				
annual budget				
recorded crimes				
total non-emergency telephone calls to police				
total emergency calls to police				
resident population of country				
ratio of police officers to resident population				

21.   Questionnaire completed and returned under the authority of:

Name:

Title:

Signature:

Thank you very much for your assistance.

PLEASE NOTE; Unless you ask us not to, we intend to publish all responses to this and other requests for evidence on our website. Please indicate with your response if you do not wish your response, or particular parts of it, to be published in this way.

Likewise, the results of the review will be published on our website in the early part of 2009 at http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/15403

Appendix E

In-service survey

Have Your Say Survey

Dear Colleague,

The Cabinet Secretary for Justice, Mr Kenny MacAskill, announced on 23 May 2008 that he had asked me, as HM Chief Inspector of Constabulary for Scotland, to conduct an independent review of policing in Scotland and to report with recommendations by the end of December 2008.

The remit given by the Cabinet Secretary is as follows:

To review the roles and responsibilities of police forces in Scotland with the aim of ensuring

- that all Scotland's communities have equal access to expert and specialist policing and to the resources necessary to investigate major crime, whenever they need it;
- that the delivery of such policing responsibilities does not divert resources away from visible policing in communities;
- in pursuance of this to identify policing responsibilities which might more effectively be delivered nationally, regionally, or by collaboration between forces; and
- and to make recommendations for the organisation, governance and accountability which best supports the delivery of those policing responsibilities.

As part of this review we are consulting widely amongst other organisations connected to policing in Scotland and within the service itself. A key aspect of the in-service consultation is this survey of people involved in policing in Scotland.

We are keen to learn your opinion and would encourage you to participate in this survey to ensure you have your say on this important issue. The survey is simple and offers multi-choice responses which are selected by clicking on a tick-box. It should take approximately 10 minutes to complete.

For the purpose of this survey we offer the following interpretation of 'specialist and expert policing': a policing activity undertaken by specialists or experts who have received specific training, whether or not it is a full-time role for officers (e.g. police use of firearms, CID, dog handler, family protection, search etc).

Participation is entirely voluntary and anonymous. If you decide to participate, please complete and submit your response by Friday 28 November 2008. Responses received after this date will not be included.

Here is a link to the survey:

Click Here to take survey

Yours sincerely,

Mr Paddy Tomkins
HM Chief Inspector of Constabulary for Scotland

HM Inspectorate of Constabulary

Independent review of policing in Scotland

HAVE YOUR SAY

On-line survey of members of police forces, services and boards/authorities in Scotland.

Thank you for deciding to participate in this survey.

The questionnaire is split into four parts to reflect the four bullet points included in the remit for the review provided by the Cabinet Secretary for Justice (these are reproduced at the start of the relevant sections).

If you believe that any question is not personally relevant to you, or that you are unable to provide a response, please feel free to simply move on to the next question.

We would ask that you complete the section identifying your service bracket, rank/position, or your status as an authority/board member. This will assist us to identify any significant differences of perspective between broad groups of people. We will not use this personal data to try to identify individuals but, as with all of the questions/areas covered, you can opt not to respond to any part of the survey if you wish.

Please complete and submit your response by Friday 28 November 2008. Responses received after this date will not be included in the survey.

YOUR PROFILE

**1. Please tick the appropriate box.
I am a...**

☐ police authority/board member

☐ special constable

☐ police staff member

☐ police officer (including those on 30+ scheme)

☐ police cadet

2. Please tick the appropriate box.
I serve with the force/service (or act as a member of the authority/board governing):

(SPSA and other central service members on secondment from forces please tick SPSA or other central services as appropriate, as well as your home force, and please answer all questions as a member of your home force. Police staff members of SPSA and other central services should pass over those questions which refer to 'my force' or 'my force area').

☐   Central Scotland Police

☐   Dumfries and Galloway Constabulary

☐   Fife Constabulary

☐   Grampian Police

☐   Lothian and Borders Police

☐   Northern Constabulary

☐   Strathclyde Police

☐   Tayside Police

☐   Scottish Police Services Authority

☐   Other Central Service (e.g. HMICS, SOCA, NPIA)

please specify [   ]

3. Please tick how many years of service in the police service you have (in any capacity, or in any force/service), or as a member of a police authority/board.

Service bracket

☐   0 - under 2 years

☐   2 - under 5 years

☐   5 - under 15 years

☐   15 years and over

4. For POLICE OFFICERS ONLY. Please indicate your current rank.

Rank

☐   constable

☐   sergeant

☐   inspector

☐   chief inspector

☐   superintendent

☐   chief superintendent

☐   assistant chief constable

☐   deputy chief constable

☐   chief constable

5. For POLICE OFFICERS ONLY. Please indicate which ONE of the following categories most closely describes your current broad area of work.

Area of work

☐   within territorial division or unit

☐   directly supporting officers within a territorial division or unit

☐   specialist (i.e. something for which you have been specifically trained, such as roads policing, crime investigation, dog handler, family protection etc)

☐   other

please specify ┌─────────────────────────────┐

6. For POLICE STAFF ONLY. We accept that gradings are different in every force, but please indicate which of the following most closely describes your current grade.

Grade

☐   non-supervisory

☐   supervisory

☐   head of department/managerial

☐   chief officer equivalent (member of ACPOS)

7. **For POLICE STAFF ONLY. Please indicate which ONE of the following categories most closely describes your current broad area of work.**

Police staff

☐   administration/clerical

☐   direct service delivery with public contact (e.g. public counter, call handling, custody work, scenes of crime, traffic warden, road safety, community safety, crime prevention)

☐   other professional (e.g. analyst, researcher, media officer, ICT, HR)

please specify   [_____]

YOUR VIEWS ABOUT SCOTTISH POLICING: AIM 1

The first of the four aims in the remit for the review is to ensure:

That all Scotland's communities have equal access to expert and specialist policing and to the resources necessary to investigate major crime, whenever they need it.

Please indicate the extent to which you agree or disagree with the following statements.

8. **Every police officer and staff member in Scotland should be supported by the same standard of expert and specialist services**

☐   agree completely

☐   agree slightly

☐   don't know

☐   disagree slightly

☐   disagree completely

9. **I believe that police officers and staff in my force are supported by the same standard of expert and specialist services as police officers and staff in the rest of Scotland**

☐   agree completely

☐   agree slightly

☐   don't know

☐   disagree slightly

☐   disagree completely

10. Different needs and frequency of need for specialist and expert support services across Scotland mean that it is okay for there to be different standards of availability and expertise

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

11. It doesn't matter how infrequent the need, the same standard of specialist and expert support needs to be available when and where required, regardless of where it comes from

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

12. There is no need for shared common standards of service delivery across forces

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

13. Irrespective of whether there are common national standards, each force should have its own common standards of service delivery

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

14. Information on common standards of policing services should be easily accessible to the public

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

YOUR VIEWS ABOUT SCOTTISH POLICING: AIM 2

The second of the four aims in the remit for the review is to ensure:

That the delivery of such (specialist and expert) policing responsibilities does not divert resources away from visible policing in communities.

Please indicate the extent to which you agree or disagree with the following statements.

15. I believe that members of the public in my force area like the fact that, on the whole, policing is carried out by local officers

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

16. Local knowledge is very important in investigating volume crime (e.g. petty assault, breach of the peace, theft by shoplifting, vandalism)

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

17. Local knowledge is very important in investigating serious crime (e.g. murder, rape, sexual assault, theft of very high value)

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

18. If some specialist and expert policing were provided from outside my force, it would be easier to maintain consistent levels of police officers working in our local communities

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

19. Even if a combination of serious incidents or investigations puts a strain on resources in my force, these should nevertheless still be dealt with entirely by the force

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

YOUR VIEWS ABOUT SCOTTISH POLICING: AIM 3

The third of the four aims in the remit for the review is:

To identify policing responsibilities which might more effectively be delivered nationally, regionally, or by collaboration between forces.

Please indicate the extent to which you agree or disagree with the following statements.

20. Some specialist and expert services would be better provided by police forces working together

☐   agree completely

☐   agree slightly

☐   don't know

☐   disagree slightly

☐   disagree completely

21. There is a need to develop criteria to decide what specialist and expert services should be provided at local level (i.e. local territorial division, command unit or command area level)

☐   agree completely

☐   agree slightly

☐   don't know

☐   disagree slightly

☐   disagree completely

22. There is a need to develop criteria to decide what specialist and expert services should be provided at force level

☐   agree completely

☐   agree slightly

☐   don't know

☐   disagree slightly

☐   disagree completely

23. There is a need to develop criteria to decide what specialist and expert services should be provided above force level

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

YOUR VIEWS ABOUT SCOTTISH POLICING: AIM 4

The last of the four aims in the remit for the review is:

To make recommendations for the organisation, governance and accountability which best support the delivery of those policing responsibilities.

Please indicate the extent to which you agree or disagree with the following statements.

24. Police authorities and boards in Scotland are good at holding their forces/services to account

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

25. The Scottish Government is good at holding police forces/services to account

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

26. When acting as a members of police authorities and boards, councillors should put the interests of their authority/board above the interests of the local authorities to which they have been elected

☐　agree completely

☐　agree slightly

☐　don't know

☐　disagree slightly

☐　disagree completely

27. Members of police authorities and boards should consider the national interests of policing in Scotland, even if this might mean compromising their individual force/service interests

☐　agree completely

☐　agree slightly

☐　don't know

☐　disagree slightly

☐　disagree completely

28. Chief constables should consider the national interests of policing in Scotland, even if this might mean compromising their individual force interests

☐　agree completely

☐　agree slightly

☐　don't know

☐　disagree slightly

☐　disagree completely

29. Specialist or expert policing does not have to be delivered by local staff, as long as those that do deliver services are held to account through a local chain of command

☐　agree completely

☐　agree slightly

☐　don't know

☐　disagree slightly

☐　disagree completely

30. Specialist or expert policing does not have to be delivered by local staff, as long as those that do deliver services are held to account through a national chain of command

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

31. Specialist or expert policing does not have to be delivered by local staff, as long as those that do deliver services work with local officers

☐ agree completely

☐ agree slightly

☐ don't know

☐ disagree slightly

☐ disagree completely

Please indicate which of the following you most agree with by placing a tick next to ONE of the four statements provided in each question.

32. I believe that…

☐ All policing should be locally accountable

☐ Most policing should be locally accountable

☐ Some policing should be locally accountable

☐ No policing should be locally accountable

33. I believe that…

☐ All policing should be nationally accountable

☐ Most policing should be nationally accountable

☐ Some policing should be nationally accountable

☐ No policing should be nationally accountable

34. I believe that...

☐   All policing should be locally commanded

☐   Most policing should be locally commanded

☐   Some policing should be locally commanded

☐   No policing should be locally commanded

35. I believe that...

☐   All policing should be nationally commanded

☐   Most policing should be nationally commanded

☐   Some policing should be nationally commanded

☐   No policing should be nationally commanded

36. I believe that...

☐   All policing should be undertaken by locally based officers

☐   Most policing should be undertaken by locally based officers

☐   Some policing should be undertaken by locally based officers

☐   No policing should be undertaken by locally based officers

ADDITIONAL COMMENTS

37. Please use this space to provide any further comment that you wish to make e.g. about the answers you selected, about what you believe are the main issues in this area, or indeed anything that you feel may help us in this review.

Thank you for taking the time to complete this survey.

The review report will be submitted to the Cabinet Secretary for Justice by 31 December 2008 and thereafter the survey results will be published on the HMICS website.

Appendix F

In-service survey

Response analysis

Service survey responses: Summary of main issues

Introduction and Methodology

In order to elicit the views of individuals working within a policing context in Scotland the review team designed an in-house service survey, aimed at exploring issues central to the four key aims outlined in the review. Following a drafting process, which included consultations with the review's Advisory Group, a small pilot study was conducted. The finalised questionnaire was then made available electronically to staff in all forces and relevant agencies using the commercial internet survey package *Survey Monkey*.

Data collection took place over a three week period, from 7 to 28 November 2008. In total, 2,524 individuals provided responses to the survey. This equates to an overall response rate of 10.6 per cent of all staff across the service. Although this is a relatively low rate when compared with traditional postal surveys, the fact that many police officers and staff are not always office-based, and that some forces restrict staff access to the internet, the online survey was accessed by a significant number of individuals across Scotland within a relatively short time-frame, indicating a considerable level of interest and concern in the current issues affecting policing.

Whilst acknowledging that the response rate does inhibit our ability to generalise the research findings to the police service as a whole, the data nevertheless highlight the views of a cross-section of individuals working within different forces and roles, and provides useful insights into their thoughts on the themes deemed relevant to the current review.

This summary thus reports the findings from the survey, detailing the main issues to emerge from the 36 closed, quantitative questions under each of the four aims (see Appendix E). It also provides limited qualitative information, drawn from an additional free-text question, which invited respondents to explain their general perspectives and/or to provide their thoughts on any experiences which they believed might usefully inform the review.

Participant data

Table 1 below outlines the number of responses received from all forces and agencies, and illustrates these rates against the overall numbers of available personnel.

Table 1: Respondents by current workplace

Organisation	No. respondents	Total in force/agency	Respondents as % available staff	% share respondents by force/agency
Central	245	1,315	19	10
Dumfries and Galloway	111	934	12	4
Fife	194	1,755	11	8
Grampian	112	2,515	4	4
Lothian and Borders	157	4,423	4	6
Northern	167	1,397	12	7
Strathclyde	836	10,828	8	33
Tayside	288	1,957	15	11
SPSA	353	1,236	29	14
Central Services/Seconded	40	527	8	2
Unknown	21	–	–	1
Scotland	2,524	26,887[22]	10.6	100.0

As illustrated, the largest share of responses came from Strathclyde Police (33 per cent). However, taking into consideration the relative size and number of all personnel, the Scottish Police Services Authority (SPSA) had the highest response rate, with 29 per cent of available staff accessing the survey. In contrast, four per cent of staff in Grampian Police and Lothian and Borders Police completed the questionnaire, leading to overall shares of the responses which do not reflect their share of total police personnel. The disproportionate response rates across the forces/agencies provide a further difficulty in extending the findings beyond the survey.

In addition, it is important to note that participants were informed that they could opt out of answering any questions that they deemed irrelevant to their personal situation, or on which they held no opinion. As a result of this there was a 79 per cent completion rate among staff, with many choosing not to answer all 37 questions included in the survey. This inevitably meant that the numbers responding to each question often fell below the 10.6 per cent level.

---

22 For population data see: HMICS (2008) *Scottish Policing Performance Framework Annual Report (2007-08)*. Available at: http://www.scotland.gov.uk/Publications/2008/12/08094452/9. For information on SPSA figures, see: SPSA (2008) *Annual Report and Accounts 2007-2008*. Available at: http://www.spsa.police.uk/news/spsa_annual_report_and_accounts.

Tables 2 to 4, below, provide further data on the characteristics of respondents.

Table 2. Breakdown of respondents by role

Role	Frequency	Per cent
Police Officer	1,593	63.8
Police Staff Member	834	33.4
Police Authority/Board Member	54	2.1
Special Constable	13	0.5
Police Cadet	3	0.1
Total	**2,497**	**99.9**

Table 3. Breakdown of respondents by area of work

Area of work	Frequency	Per cent
Specialist	657	40.3
Territorial Division or Unit	618	37.9
Supporting Officers within Territorial Division or Unit	183	11.2
Other	171	10.5
Total	**1,629**	**99.9**

Table 4. Breakdown of respondents by rank

Rank	Frequency	Per cent
Constable	877	53.9
Sergeant	380	23.3
Inspector	224	13.7
Chief Inspector	76	4.7
Superintendent	45	2.8
Chief Superintendent	20	1.2
Deputy Chief Constable	1	0.06
Chief Constable	2	0.01
Total	**1,625**	**99.67**

The totals above differ because not all respondents answered every question concerning background details.

The sample overwhelmingly comprised police officers (63.4 per cent), with the second largest group, 'police staff members' forming 33 per cent of all respondents. Table 3 illustrates that the vast majority of individuals either worked in a specialist role, or within a territorial division or unit. Taken together, those who worked in the two categories of police officers in territorial divisions/units were the largest group of respondents. In addition, the 171 respondents indicating their work area to be 'other' worked in a number of different occupations, ranging from scenes of crime examination and underwater unit, to control room and human resources. The majority of individuals within this category worked in community policing and intelligence.

In terms of the rank of respondents, Table 4 highlights that individuals across all rank levels took part in the survey. However, as a result of some police officers responding to questions about both 'rank' and level of managerial responsibility (grade), accurate conclusions cannot be drawn from the data provided on police staff grading. Nevertheless, tentative inferences can be made, with the data suggesting that the majority of individual support staff worked in a non-supervisory capacity.

In addition to the information provided on job role and rank, Figure 1, below, highlights that the majority of respondents (n = 2482) had served within their organisations for a relatively long period of time. Within the largest response category of 'police officers', most individuals had spent 15 years or over in their role. For police staff members, 40 per cent had spent between five and 14 years in their role.

Figure 1. Breakdown of respondents by years of service
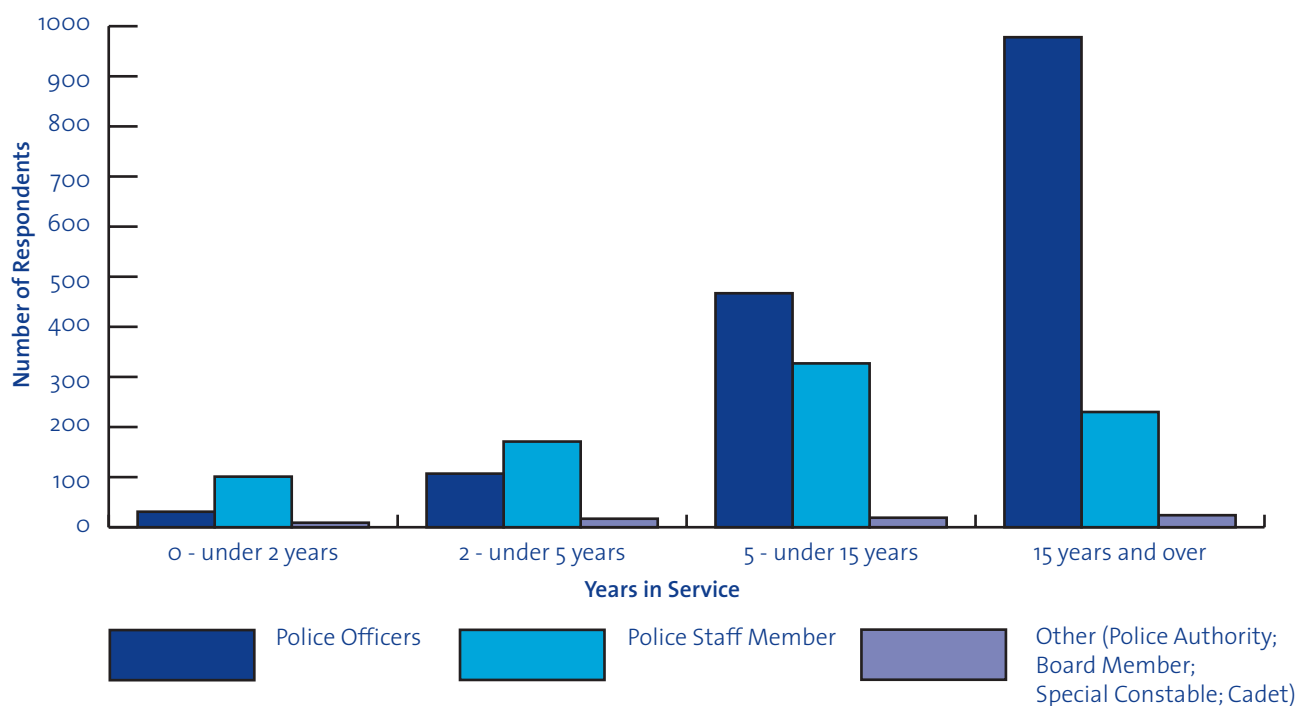
AIM 1: That all Scotland's communities have equal access to expert and specialist policing and to the resources necessary to investigate major crime, whenever they need it.

In order to explore participant's views on both access to expert and specialist policing, and their ideas about the resources required across Scotland, a series of seven questions were posed. This section presents the main findings to arise from the responses provided in answer to these questions.

Figure 2. Every police officer and staff member should be supported by the same standard of expert and specialist services
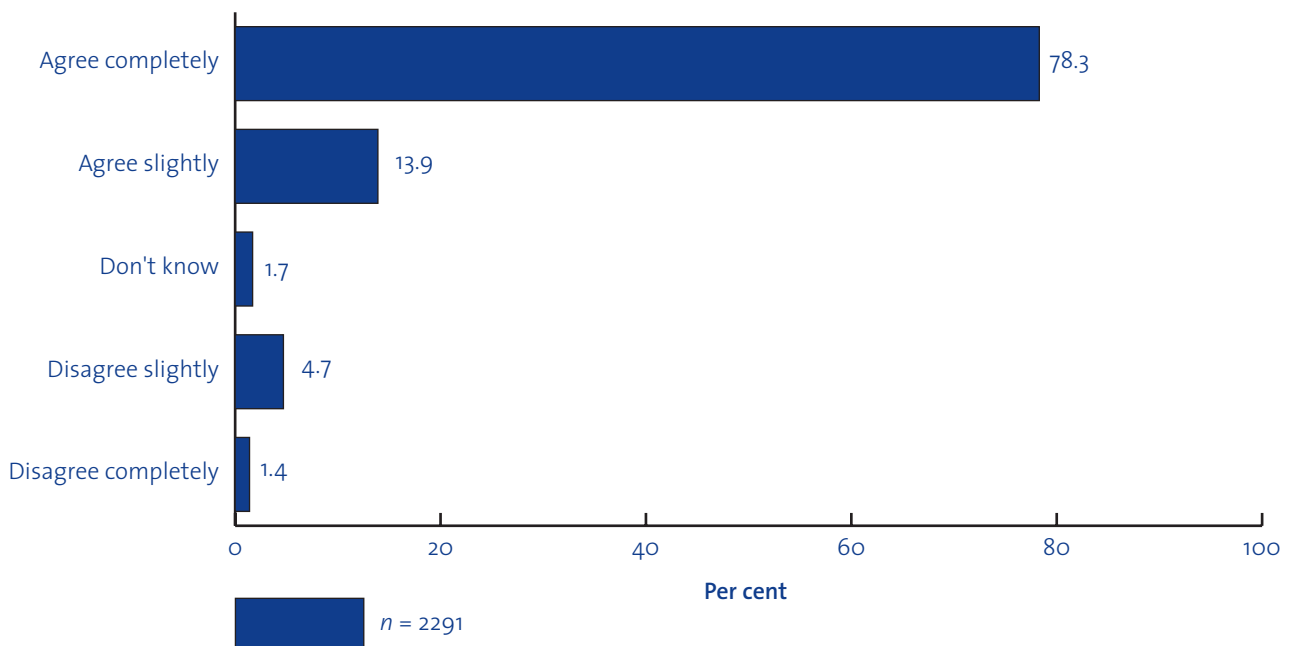
Figure 2 highlights that 92 per cent of individuals believed there to be a need for police personnel to be supported by the **same** standard of expert and specialist services. However, a degree of caution should be noted when considering this data. It is also apparent that 32 per cent believed that because of different force needs, it should be 'okay' for there to be **different** standards of availability and expertise. The data suggest that whilst the vast majority of respondents were consistent in their belief that there should be similar standards across the forces, in some instances there was a degree of overlap between answers, with individuals perceiving there to be a need for both similarities and inevitable differences between forces.

To explore the extent to which perspectives on the standards of expert and specialist services varied according to whether individuals identified themselves as a member of a 'specialist' group, responses to the following statement were examined: *'I believe that police officers and staff in my force are supported by the same standard of expert and specialist services as police officers and staff in the rest of Scotland'.* Overall, among the 2,257 respondents there were no significant differences. However, of those working within a territorial division or unit, 30 per cent agreed with the statement, whilst 43 per cent disagreed. This compared with a slightly higher 36 per cent of specialist staff who agreed that standards were similar (a further 38 per cent disagreed with the statement). These findings suggest that specialist staff are more likely than other staff to believe that the services they provide are standardised throughout the country, whereas the territorial or divisional staff that call upon specialist staff for support are perhaps less convinced about the standardisation of the service they receive.

In terms of a need for common standards of service delivery across forces, Figure 3, below, illustrates that the vast majority of respondents (81 per cent) felt there to be a need for such standards; 61 per cent also indicated that each force should have its own standards of service delivery (32 per cent strongly agreed). These views were similar across all levels of police rank and across all police board/SPSA members. Furthermore, there was general support for the need for the public to have access to these standards, with 55 per cent of respondents 'agreeing completely'.

Figure 3. There is no need for shared common standards of service delivery across forces
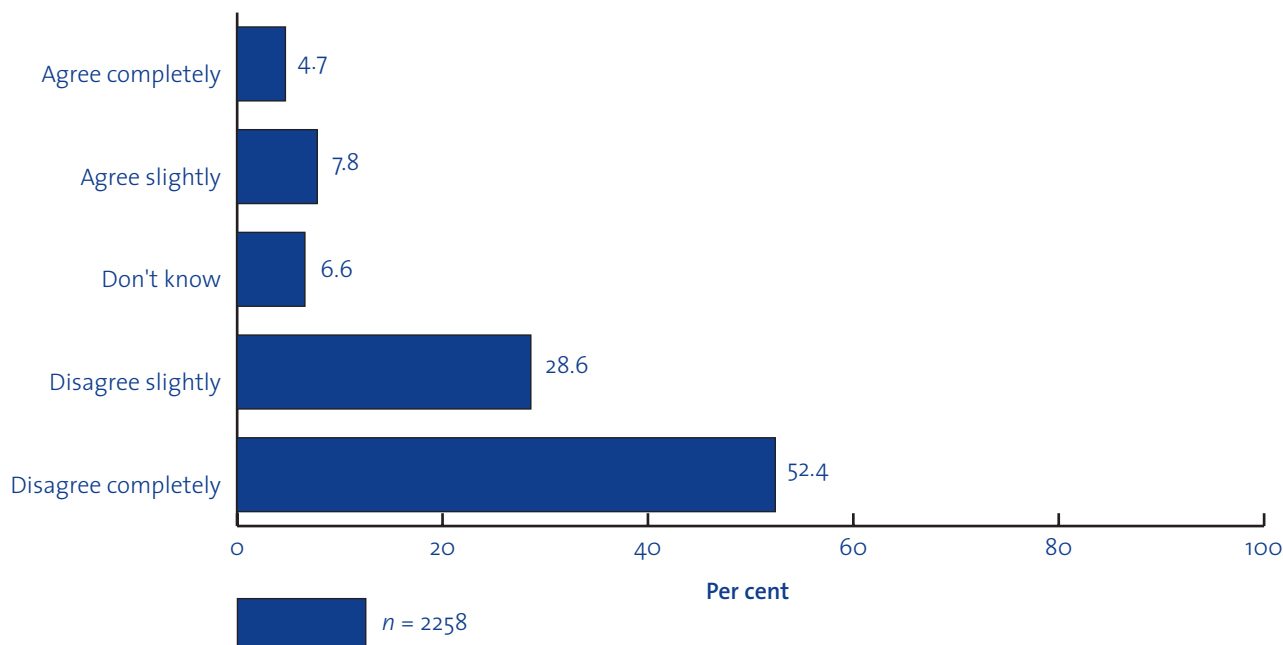
Whilst there was recognition of the importance of both adequate expert and specialist resources, and the setting of standards for these services, a number of individuals expressed concerns about the need to ensure that any changes would not reduce existing services, or lower standards. The following quotation typifies the responses received:

> Where an area is identified that forces are not being supported or do not have access to specialist support ...the tendency is to dilute the standard and response for those forces that already have that specialisation. The setting of a common minimum standard usually means those who were exceeding it fall back. Any common standard has to be set at the highest bar. I also have real concerns that whilst other smaller forces may benefit from centralisation of resources my own force, Strathclyde, will end up losing out by supplying those specialists to the centralised body.
>
> *Inspector, Strathclyde*

AIM 2: That the delivery of such (specialist and expert) policing responsibilities does not divert resources away from visible policing in communities.

The survey sought respondents' views on the extent to which they believed specialist and expert resources may – or might in future – impact upon community policing. Taken together, the findings illustrate overwhelming support for the importance of, and need to maintain, local policing.

A total of 82 per cent of participants (*n* = 2186) agreed with the statement: 'I believe that members of the public in my force area like the fact that, on the whole, policing is carried out by local officers' – over half strongly agreed (56 per cent).

The responses further indicate considerable support for the view that local knowledge is vital when investigating both volume and serious crime, as Figure 4 highlights.

Figure 4. Local knowledge is very important in investigating volume crime; local knowledge is very important in investigating serious crime

serious crime: *n* = 2199   volume crime: *n* = 2201
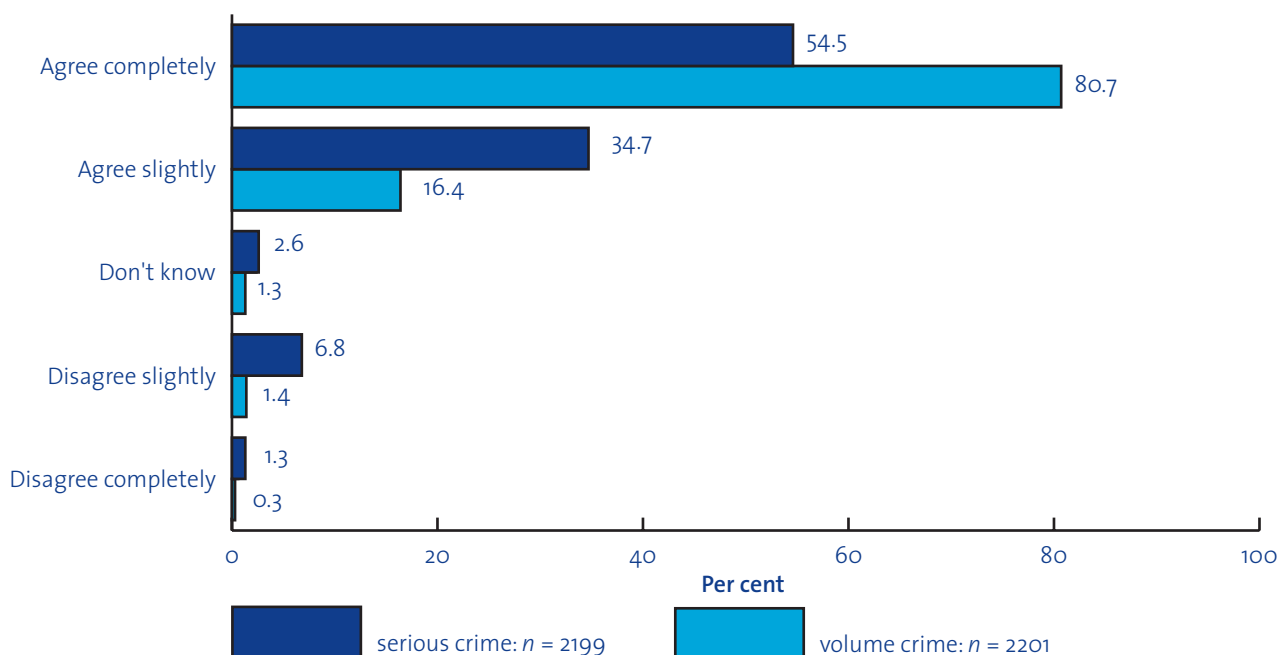
As evidenced in the above Figure, the vast majority of respondents 'strongly agreed' with the importance of the investigation of volume crime (e.g. petty assault, breach of the peace, theft by shoplifting, vandalism) being carried out by local officers. This level of agreement was notably consistent across all levels of police ranks. In addition, most individuals (89 per cent) felt that local officers could assist in helping to deal with serious crime (e.g. murder, rape, sexual assault, robbery, theft of very high value). As one officer explained:

> For as long as the Scottish police service operates under the principle of, 'policing with the consent of the public', I believe local policing will continue to be the preferred and recognised style... Clearly, on occasions it is appropriate to make use of the most suitable resources. This may very well mean resources with no local connection being deployed. On such occasions it is imperative that contact is maintained with local resources, as local resources will have the responsibility of maintaining contact with the local community and communicating all available information. Depending on the event or operation undertaken, local resources will play a pivotal role in assisting the community to return to normal.

> *Superintendent, Lothian and Borders*

Moreover, in seeking to explore whether respondents thought that utilising external specialist or expert support might impact in any way upon local policing, participants were asked to consider the statement: *'If some specialist and expert policing were provided from outside my force it would be easier to maintain consistent levels of police officers working in our local communities'.* Over half of respondents (n = 2175) agreed with the statement. The thoughts of one such respondent are presented below:

> I believe that when it comes to activities e.g. high value thefts; large scale drug supply; large scale fraud enquiries; and rape or murder, these crimes should be looked at by specialist teams instead of local officers as this would ensure that local officers could continue to provide a service to their communities and not be tied up on long term intricate enquiries.

> *Police Constable, Tayside*

These views are further supported by data in response to the statement: *'Even if a combination of serious incidents or investigations puts a strain on resources in my force, these should nevertheless still be dealt with entirely by the force'.* Sixty-two per cent of the 2,182 respondents **disagreed** that a force should take sole responsibility for dealing with an incident. A number of individuals cited the 2007 incident at Glasgow airport as one occasion when the police forces in Scotland worked together effectively:

> It is my belief that the larger Scottish forces will always have a duty to provide specialist resources in support of their smaller neighbouring forces at times of need. As witnessed following the terrorist attack at Glasgow airport, Strathclyde Police, the largest Scottish force, benefited immeasurably from the mutual aid provided by almost all Scottish forces in the provision of specialist resources – ranging from intelligence analysts and assessors to National level 1 surveillance operatives.

> *Inspector, Strathclyde*

There was a statistically significant difference here between those in lower ranking posts (constables, sergeants) and those individuals in mid-higher ranks. Overall, based on the chi-square test,[23] the latter group were more likely than expected to 'disagree completely' with the statement (p > o.ooo). In addition, there was a further statistically significant difference between those staff based in the smallest forces, with those in the largest force. In this instance, the former were more likely than expected to 'disagree completely' with the statement and more likely to 'agree slightly' that issues should not always be entirely dealt with by the force (p > o.o4). However, perhaps unsurprisingly, members of boards/SPSA were significantly more likely than expected to respond 'don't know' to each of the statements about local policing issues.

AIM 3: To identify policing responsibilities which might more effectively be delivered nationally, regionally, or by collaboration between forces.

Support for the need for police forces to work together to provide specialist and expert services was evident within the series of questions detailed under Aim 3 of the review.

Despite an evident belief in the importance of local knowledge and experience, Figure 5 illustrates that 87 per cent of respondents also agreed to some extent that forces should work together to better provide specialist and expert services.

Figure 5. Some specialist and expert services would be better provided by police forces working together

---
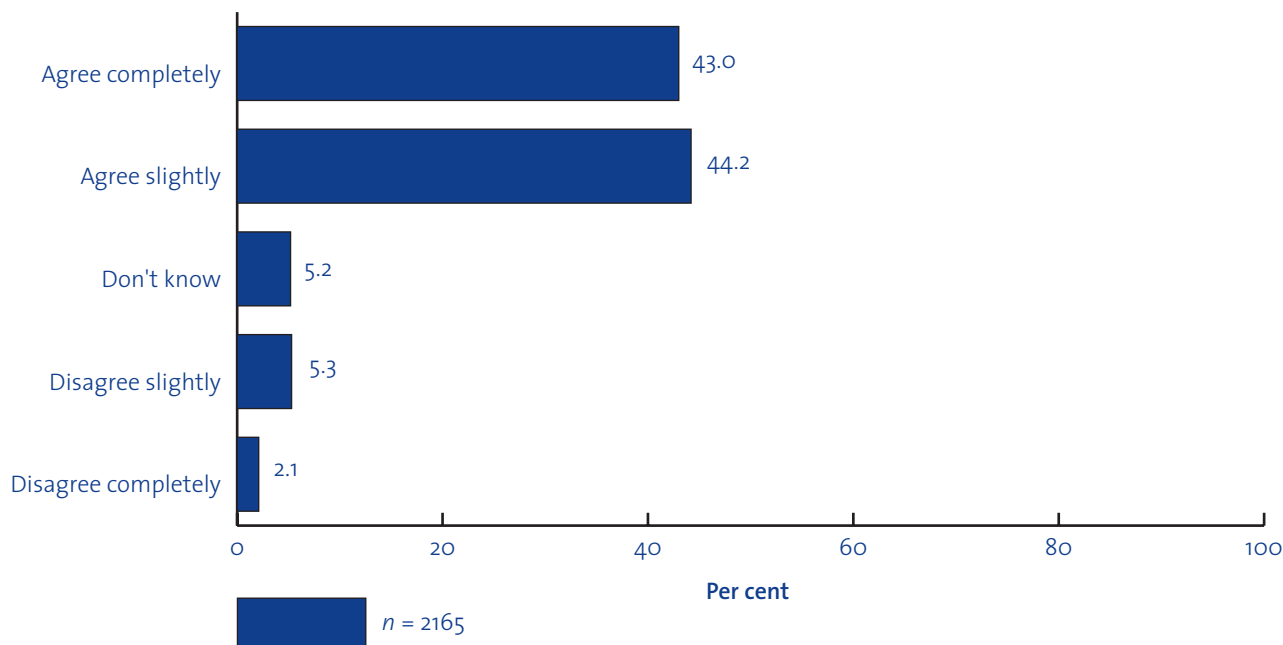
23 Chi-square is a widely recognised statistical test that is particularly adept at determining how 'close' observed frequencies (counts) differ from those which would be expected by chance.

The qualitative responses provided by respondents also facilitated some insight into individuals' understanding about the need for joint-working. Perhaps inevitably, the main reason given among those officers working within Scotland's smaller forces was a need for areas with fewer resources to enhance their service delivery by drawing upon existing services:

> Some of the smaller forces find difficulty in providing the level of specialist support, which may be required in certain circumstances. An arrangement, whereby certain specialist support could be delivered by way of mutual aid or an amalgamation of trained staff from neighbouring forces could eliminate the stress placed on the smaller force.

> *Sergeant, Central*

Additionally, respondents cited that national training can help to standardise quality of service so as to facilitate the sharing of resources, as the following quotation illustrates:

> Scotland needs to have the capacity and capability to deal with serious and organised crimes and criminals both at local and national level. Mutual aid between forces in Scotland can and does work well, and on occasions this mutual aid can be sought from south of the border... National training in respect of specialist services gives a confidence that the quality of service should be the same throughout Scotland.

> *Chief Inspector, Strathclyde*

There was also support for the idea that there is a need to develop criteria to decide what services are provided at the different levels of policing. Figure 6 below presents the findings taken from participants' views on this issue.

Figure 6. There is a need to develop criteria to decide what specialist and expert services should be provided at local, force and above force level
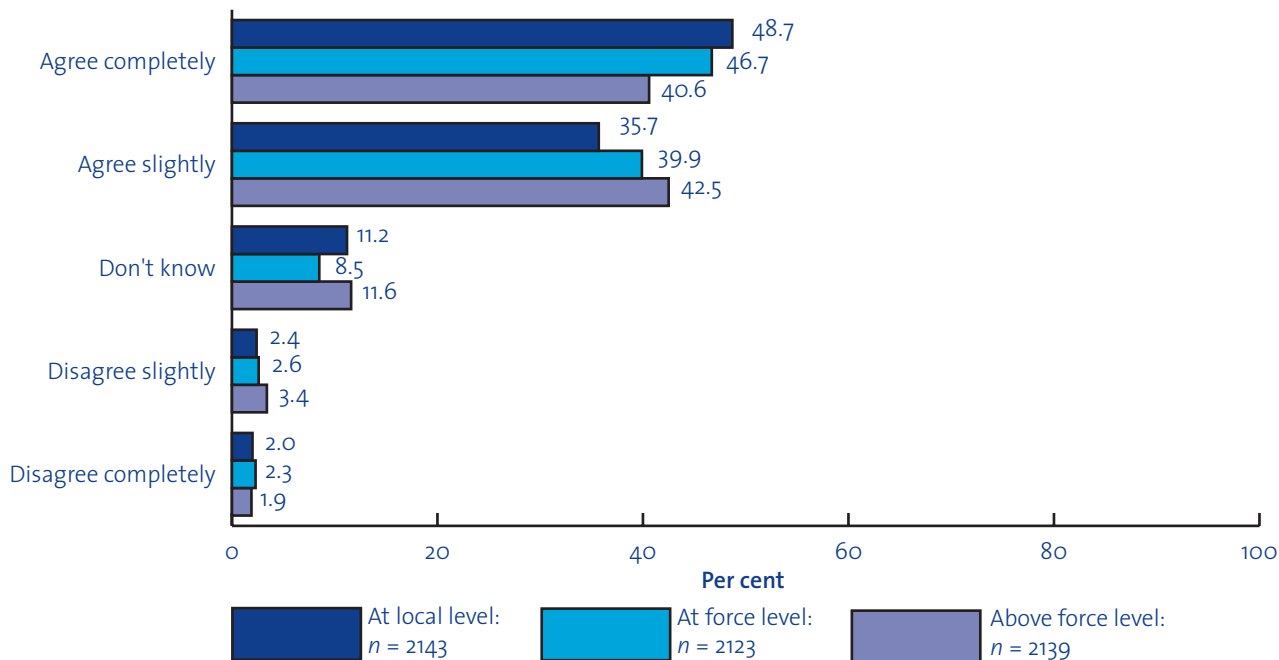
As detailed, respondents were strongly in favour of establishing criteria at all three levels of policing. Only four per cent of respondents disagreed that there was a need to develop any criteria.

AIM 4: To make recommendations for the organisation, governance and accountability which best support the delivery of those policing responsibilities.

The final aim of the review concerns issues of organisation, governance and accountability. In relation to the responses provided in previous sections of the survey, participant's views on the thirteen questions in this final section illustrated either a greater degree of indifference, or a lack of knowledge about the subject (as evidenced by the increase in the number of 'don't know' responses). Whilst this also corresponded with a slightly lower response rate to each of the questions, the overall rate nevertheless remained relatively high at between 80 and 90 per cent.

In relation to issues of service delivery, participants were asked to consider the roles of the three elements of tripartite accountability. Over 49 per cent of respondents (n = 2050) agreed that: '*When acting as members of police authorities and boards, councillors should put the interests of their authority/board above the interests of the local authorities to which they have been elected.*' However there was a markedly mixed response in relation to the roles of police authorities and boards/chief constables when considering national interests. Figure 7, below, presents the findings.

Figure 7. Members of police authorities/boards and chief constables should consider the national interests of policing in Scotland, even if this might mean compromising their individual force/service interests

Chief constables: n = 2055   Members of police authorities/boards: n = 2053
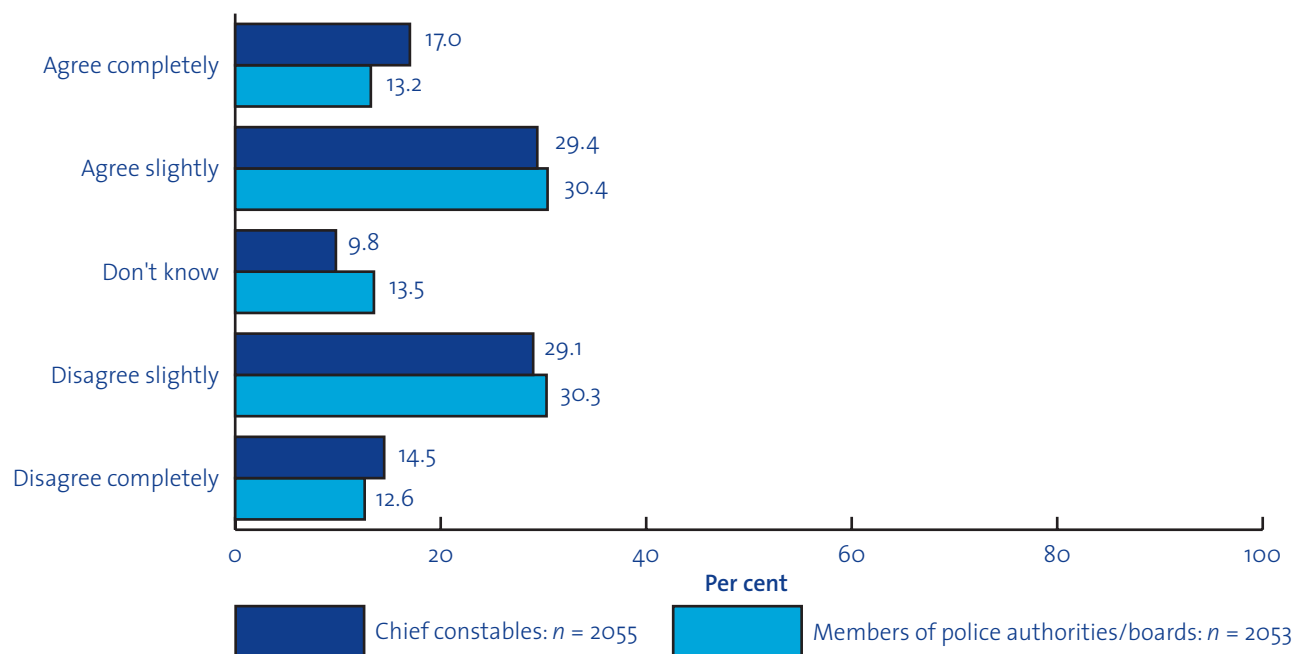
In terms of accountability, respondents were generally positive about the abilities of both the police authorities/boards and the Scottish Government, to hold forces/services to account. Whilst more than a third of all respondents answering the statement outlined in Figure 8, indicated that they 'don't know' about the current level of accountability, over 40 per cent of respondents responded positively to the statement. Interestingly, the chi-square test revealed that members of SPSA were less likely than expected to agree that the Scottish Government is good at holding services to account (p > 0.000).

Figure 8. Police authorities/boards and the Scottish Government are good at holding police forces/ services to account
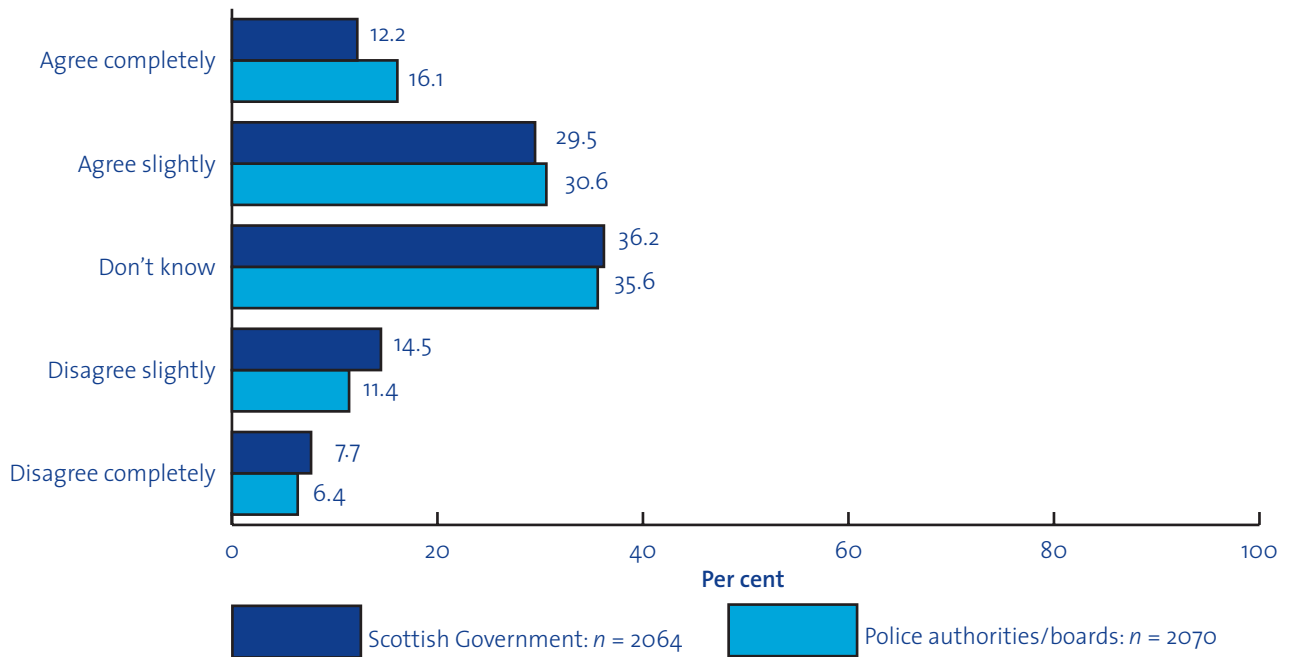
The data presented in Figure 9, suggest that most respondents were keen to ensure the maintenance of structures of accountability: moreover for many officers a need for both local and national accountability were not mutually exclusive.

Figure 9. Specialist or expert policing does not have to be delivered by local staff, as long as those that do deliver services are held to account through a local/national chain of command
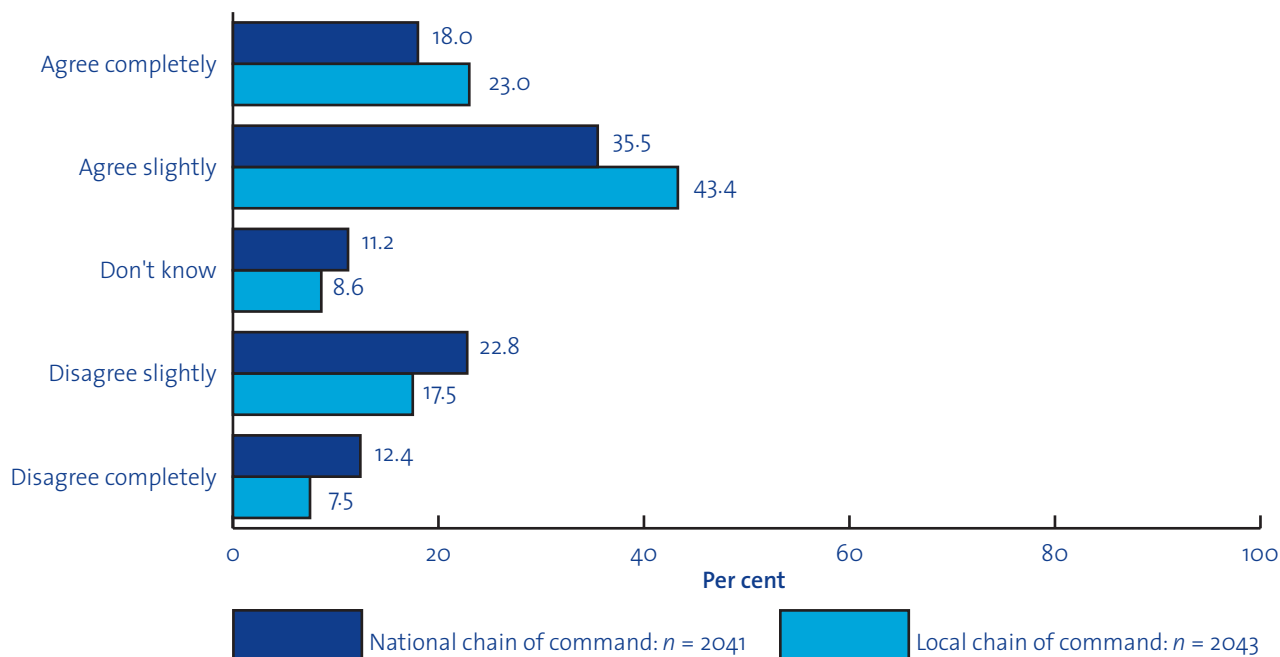
The following quotation typifies the thoughts of officers who answered 'agree' with both of the statements detailed in Figure 9.

> The provision of national units to deal with specialist roles would provide greater consistency of delivery of service and force the need to agree national standards. ...Any national units should be accountable to a national chain of command, but this has to allow for local command teams to be consulted and informed through clear and effective communication, with clear protocols agreed regarding roles to avoid any misunderstandings. Local command teams would have to accept that national policing concerns may on occasion over ride local concerns, as national command teams would have to accept the need to ensure local concerns were considered as far as possible.
>
> *Sergeant, Lothian and Borders*

Overall, respondents' views about organisation and accountability were most clear in relation to local policing. As Figures 10 and 11 illustrate:

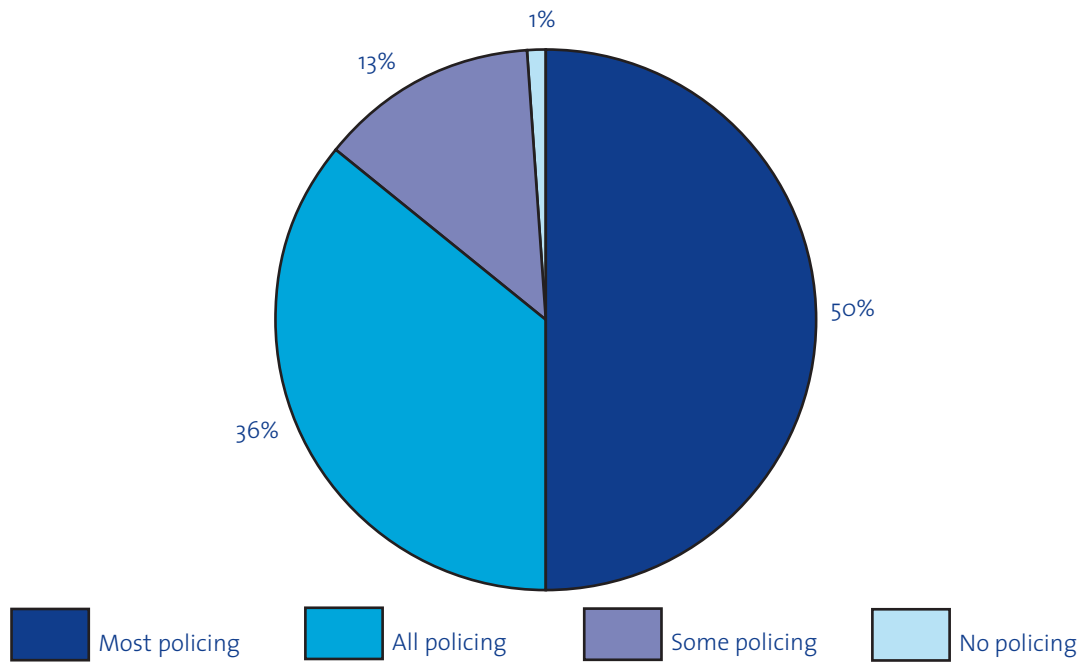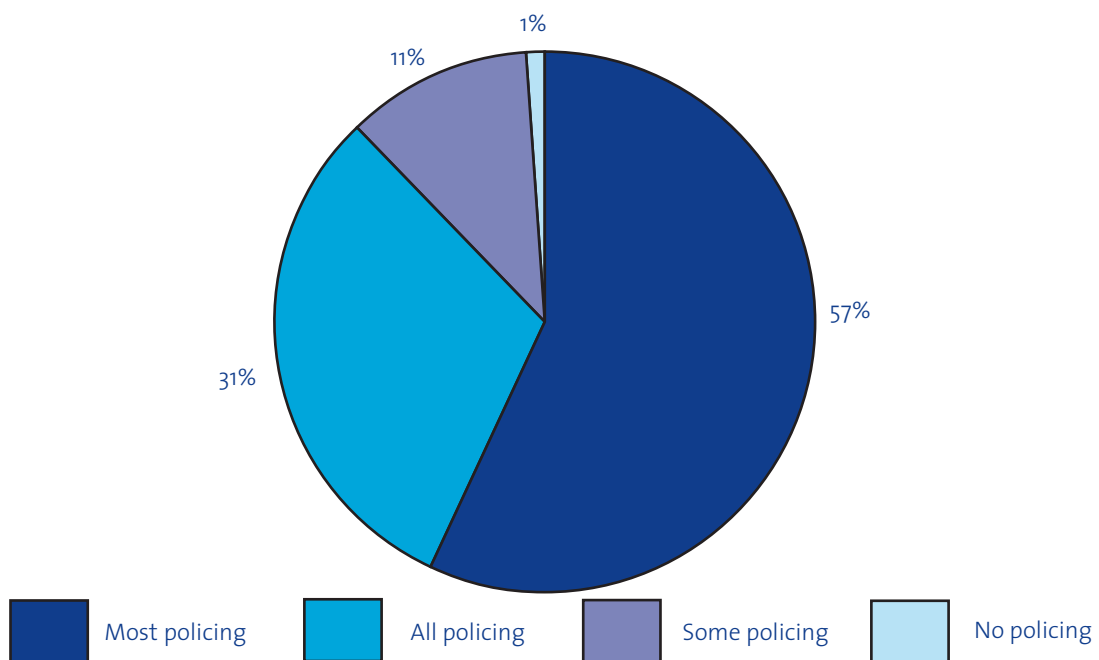**Figure 10. Respondent views on the need for policing to be locally accountable**

**Figure 11. Respondent views on the need for policing to be locally commanded**

The similarities between the above Figures is immediately apparent. Amongst the 2,037 respondents who elected to respond to the first question and the 2,016 who responded to the second question, there was a common belief that there was a need for most policing to be locally accountable and commanded by local police officers.

Moreover, perhaps predictably, when considering accountability issues in relation to the delivery of operational services, respondents had very definite viewpoints, as Figures 12 and 13 highlight.

Figure 12. Specialist or expert policing does not have to be delivered by local staff, as long as those that do deliver services work with local officers
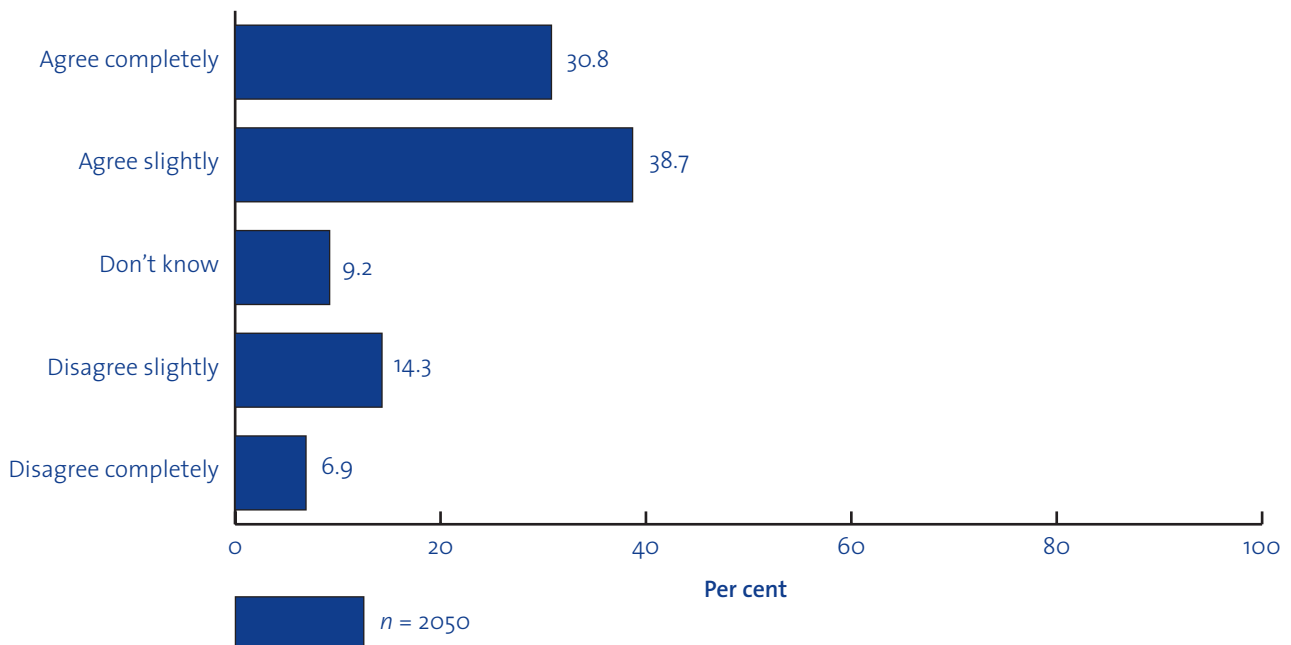
Indeed, among the 2,036 individuals considering the need for local officers to undertake policing activities, 78 per cent of all respondents agreed that 'most' policing should be undertaken at this level (with a further 14 per cent agreeing that 'all' policing should be carried out at a local level).

Figure 13. Respondent views on the need for policing to be undertaken by local officers
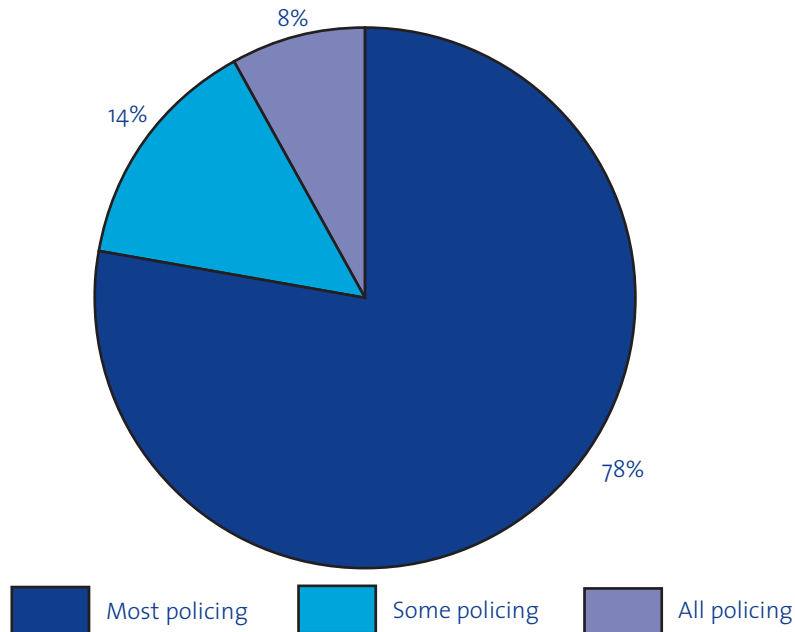
The qualitative data further provided numerous examples of respondent views on the importance of local policing. The following quotation offers one such respondent's thoughts on the issue:

> When the public and media look for 'bobbies on the beat', they are not simply meaning numbers. From my interactions with various community organisations it is clear that they want a familiar face that they recognise and trust. Each force should be able to maintain the local interface between community-focused officers and the public.

Inspector, Grampian

However, whilst the vast majority of respondents indicated that they believe most policing should be locally accountable, locally commanded, and undertaken by locally-based officers, participants across all ranks similarly illustrated their support for some level of national command and accountability. Tables 5 and 6 present the findings.

Table 5. Breakdown of respondent views on the need for policing to be nationally accountable

Response	Per cent	Frequency
All policing should be nationally accountable	29.2	589
Most policing should be nationally accountable	17.5	354
Some policing should be nationally accountable	48.7	983
No policing should be nationally accountable	4.6	92
Total	**100**	**2,018**

Table 6. Breakdown of respondent views on the need for nationally commanded policing

Response	Per cent	Frequency
All policing should be nationally commanded	5.7	115
Most policing should be nationally commanded	8.1	162
Some policing should be nationally commanded	69.9	1,406
No policing should be nationally commanded	16.3	328
Total	**100**	**2,011**

The qualitative responses of participants across all ranks further support the need for predominantly local policing, supported by additional police work carried out and commanded on a national level. The following quotations illustrate respondents' reasoning:

> The public do expect local, visible policing to be delivered by locally accountable and commanded staff. However when it comes to the layer of criminality, such as serious organised crime, which goes for the best part unseen by the public, I believe they expect it to be delivered in a highly professional manner, but I do not believe they are so concerned about local command. They are more concerned with ability and consistency ...Nationally delivered high level expertise and locally delivered visible policing.

> *Chief Superintendent, Tayside*

> I believe contextual knowledge is essential in gaining proper understanding, and greater understanding surely leads to better judgements and more effective measures. However, criminals don't recognise borders, whether force or national. It is absolutely essential therefore that policing also operates across existing arbitrary, structural borders, particularly specialist services dealing with more serious crime. Wider specialist services working with local forces could take advantage of local knowledge and bring more expansive expertise.

> *Police staff member, Strathclyde*

Our communities demand that policing is locally based, locally accountable, and locally responsible to provide an effective and efficient service in dealing with the issues of concern. This is fundamental to providing public reassurance and community safety. Where national perspectives impinge on that ability there needs to be not only collaboration but consultation with Chief Officers. Such national policing issues must be supported by regional police forces/services and it is important that the lines of accountability for those agencies charged with carrying out these duties are clear, transparent and effective – but most importantly that they are implemented and that where necessary the powers and sanctions are available to rein in errant agencies.

Chief Inspector, Northern

Conclusions

The data outlined above provides valuable insights into the viewpoints of police service personnel on the current and future issues surrounding the delivery of policing in Scotland. Whilst attempts were made to cross-tabulate responses across roles/ranks and between individuals working within different forces and organisations, these comparisons did not generally reveal any significant differences: although it must be borne in mind that numbers were often too small in isolation to establish any reliable conclusions.

It is worth noting here that, although small in numbers compared to police officers and staff, the 54 participating members of police authorities/boards and the number of SPSA staff who responded represent a high proportion of all available members. Looking at the way these participants answered the series of statements in the survey we can say that, overall, they tended to agree with the majority view in 81 per cent of cases.

Despite the small numbers in some of the individual groups of respondents it was possible to draw inferences from the sample as a whole. It was clear from both the quantitative and qualitative responses that the vast majority placed considerable value upon local policing, accountability and governance.

Despite an acknowledged need to maintain this local policing focus, there was recognition of the importance of centralising more specialist and expert services and encouraging co-working with other forces within Scotland. Furthermore, the majority of respondents felt there to be a genuine need to establish criteria to decide upon the provision of services at each level of policing. Whilst participants held less clear ideas about the roles of police authorities/boards and the Scottish Government in managing the police service, they recognised the importance of maintaining local command and involvement in delivering services.

As outlined at the start of this summary, the small sample size limits the extent to which any inferences can be generalised to the wider workforce and agencies. Although the numbers of responses to questions declined towards the end of the survey, and many individuals elected not to respond to a number of questions, nevertheless at least 80 per cent of participants answered every question, with few questions answered by less than 90 per cent of individuals. The overwhelming majority of the respondents thus felt strongly enough to respond to each of the issues raised by the review. Indeed, many participants used the free text response box to state their wish to be consulted further, and felt that any future research would benefit from considering their views. As such, the fact that so many people accessed the survey within the short time scale – and the clear themes emerging from the data – indicate the strength of feeling of many individuals working across the police service and highlights the importance of further scoping work and analysis.

Appendix G

Advisory Group membership

Stakeholders:

Colin McKerracher, President of the Association of Chief Police Officers in Scotland, Chief Constable, Grampian Police

Jim Martin, Police Complaints Commissioner for Scotland

Carol Forfar, General Secretary, Association of Scottish Police Superintendents

Doug Keil, Scottish Police Federation

Paula Evans, Convention of Scottish Local Authorities

Independent members:

Gordon Dewar, Managing Director of BAA Edinburgh Airport

Ruth Wishart, Journalist