

Justice Committee

Criminal Justice (Scotland) Bill

Supplementary written submission from the Scottish Police Federation

Meeting of Justice Committee on 1 October 2013

I refer to the above and to the invitation from the Convenor to submit any additional information for the Committee's attention that was not able to be covered during the evidence session.

Before getting to the principal point of this correspondence I have observed a flow chart has been prepared to assist the Committee understand the differences in the arrest/detention process as they are now compared to how they will be under the provisions of the Bill.

Whilst this flowchart is generally useful, I must express my concerns as to its accuracy and indeed the weighting of the language used against the process as currently exists. Specifically in the processes shown on the left a person detained is not referred to as an "accused" as quite simply, at that stage in the process there is insufficiency of evidence to make such a determination. They are merely a suspect. Indeed if the evidence existed to determine the person was indeed to be "an accused" that would render the detention unlawful. It is also worth pointing out that at the parallel point in proceedings to the right hand side, the reference is to neither "suspect" or "accused" but simply to "person". Quite simply if they are a suspect in the process shown on the left, they will similarly be a suspect in the process shown on the right. It is unclear to me why this different wording is used at what will be exactly the same stage in the process.

Turning now to the main purpose of this correspondence.

I appreciate the time did not allow for full scrutiny of the proposals for a Scottish Police Negotiating Board and I am sure the Committee Members will be made aware of the separate and detailed Staff Side submission on this issue. I would however like to emphasise a number of key points that the Scottish Police Federation believes are required to make the new body a success.

The SPF is wholly supportive of a negotiating body for police officers in Scotland (PNBS). We believe that it is only by sitting down and negotiating in a fair and transparent manner that police officers can have confidence their unique employment status is being properly considered and compensated. The SPF would despair if the mistakes that dogged the PNB in recent years were permitted or indeed if the structure, composition and remit of the PNBS was such as to permit them to be repeated in the future. We cannot emphasise enough how important this is and we have covered this in some detail in the Staff Side response. Quite simply if the foundations of the new PNBS are effectively a mirror of those we are leaving behind (bar some tinkering at the margins) the body will ultimately fail or be such that its members lose confidence in it.

It is for these reasons we believe the issue of arbitration and its binding nature (save in some aspects of overall pension policy) needs significantly enhanced. No one has yet given any reason why this wholly reasonable request should not be included in the arrangements for the PNBS. Staff Side raised a number of questions in our response to the separate consultation on the PNBS and I believe these are worth reiterating here. Why would a government not want to give police officers a fair crack of the whip here? Why would it be acceptable to be able to railroad police officer negotiations when the industrial relations landscape prevents such railroading of any other worker? We will ask these questions time and again if need be but believe the underlying message this approach sends to other collective bargaining organisations and trade unions in Scotland is one of the greatest concern.

The SPF, whilst welcoming the Cabinet Secretary's oration on being bound on matters of pay, believe this does not go anywhere near far enough and believe a significant amendment is required to the Bill to ensure that such a binding is indeed statutory and not one merely self-imposed. We would seek similar statutory binding on any arbitration decision. We are overwhelmingly of the view that the prospect of a fully binding arbiter's decision as an end point in the process will make negotiation and agreement more likely than not in almost every single instance.

The SPF also wishes the Committee to consider the fundamental importance of both an independent secretary and independent chairman. In the new Police Service of Scotland (PSoS) it is almost inevitable the bulk of the data required for the PNBS to do its work effectively will come from the PSoS. And it is only by having independence that the usefulness of that data, for both sides, can be guaranteed. The SPF does not support the notion that on occasions these roles should be performed by any of the constituent members.

The SPF and indeed the wider Staff Side will no longer have access to the part funded valuable PNB research located within the Police Federation for England & Wales as it is inconceivable this funding will continue once a Pay Review Body is introduced. This places SPF and Staff Side at considerable disadvantage when compared against the collective resourcing might of the PSoS, the Scottish Police Authority and the Scottish Government and its agencies and we consider it essential this gap is at least part bridged with some additional funding to permit us to overcome this lost resource.

Calum Steele
General Secretary
4 October 2013