

Justice Committee

Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

Written submission from Dr Kath Murray

Implications for strategic police leadership

This submission examines the impact of police reform on strategic police leadership in Scotland.¹ Police leaders require space to draw on professional expertise and evidence to plan strategically and make decisions about resource allocation. This paper suggests that reform has politicised the space in which strategic planning is negotiated and by the same token, limited the ability of police leaders to set out what 'the organisation proposes to do to how it will be achieved' (Coleman 2008; 310).² To illustrate the argument, the paper briefly examines two case studies: police officer strength and the integration of the British Transport Police into Police Scotland. Taking an overview, the analysis suggests the role of Scottish Government needs to be made more transparent and pared back, with greater accountability to the Scottish Parliament.

Background

1. The move to a single service in 2013 precipitated a shift from a relatively untroubled, low-scrutiny policing climate, to a heated politicised environment, marked by a sharp increase in media coverage.
2. This shift increased the reputational risks associated with policing and framed the new single service as a measure of government competency. With adverse events regularly playing out in the media, policing acquired the status of a 'political football'. On the one hand, opposition parties directed the perceived failings of the single service at SNP Ministers. On the other hand, some police leaders viewed police reform in and of itself as political (Moggré et al. 2017: 7).³
3. In this way, as Fyfe observes, the 'fundamental consensus around policing matters which had prevailed for much of the latter part of the twentieth century and early part of the twenty-first century has now been fundamentally disrupted (2015: 43).⁴
4. Debate and analysis of Police Scotland's problems tends to fall into two camps: individuals versus structure. In relation to the latter, critics have highlighted weak lines of accountability under the new governance structure, as well as a

¹ The analysis is based on a co-authored book chapter with Dr Ali Malik (currently under review).

² Coleman, T. (2008) Managing strategic knowledge in policing: do police leaders have sufficient knowledge about organisational performance to make informed strategic decisions? *Police Practice and Research* 9 (4) pp. 307-322.

³ Moggré, M., den Boer, M. and Fyfe, N. (2017) 'Police Leadership in Times of Transition' in *Policing: A Journal of Policy and Practice*. 27 July 2017. Advance online publication. <https://doi.org/10.1093/police/pax041>

⁴ Fyfe, N. (2015) 'Policing Scotland post-reform; towards a shifting 'culture of control' and a new politics of policing', in Croall, H., Mooney, G. and Munro, M. (eds.) *Crime, Justice and Society in Scotland*. Routledge.

tendency for Scottish Government to assert its political grip (MacLennan, 2016;⁵ Malik, 2017⁶).

5. This paper examines structural factors: the distribution of power, and the ramifications of what is arguably a centralised political hold on the two bodies tasked with developing the strategic policing direction: Police Scotland and the Scottish Police Authority (SPA).

Police strategy in Scotland: principles

6. The 2012 Act sets out a hierarchical scheme of policing principles, priorities and plans. Agreed by the Scottish Parliament, the 'policing principles' set out the main purpose of policing (to improve the safety and well-being of persons, localities and communities in Scotland) and how it should be achieved (via collaborative working where appropriate, being accessible to, and engaged with, local communities, and preventative measures).
7. Scottish Ministers determine the strategic priorities, which can be changed at any time. These are not intended to direct specific areas of operational policing activity but instead give a broader strategic direction to Police Scotland and the SPA that must be considered when developing the strategic police plan.
8. Responsibility for police strategy in Scotland lies principally with the SPA and Police Scotland. The 2012 Act places a statutory responsibility on the SPA to prepare a strategic police plan, which must be reviewed at least once every three years. The plan should set out clear objectives, and outcomes for policing, taking cognisance of the strategic priorities. The Act states the Chief Constable must be involved in preparing the plan which significantly, must be approved by Ministers.⁷ The 2012 Act also requires the Chief Constable to prepare an annual police plan that takes cognisance of the SPA strategic police plan.
9. Separately, the Act requires the 32 local commanders to prepare and submit a local police plan (aligned to the strategic police priorities and consistent with SPA strategy) to the local authority for approval.

Police strategy in practice

10. In practice, the SPA and Police Scotland have struggled to develop and implement longer-term strategy or vision. In 2015 HM Inspectorate of Constabulary noted 'the absence of a long-term vision of policing, a wider workforce strategy and a clear financial strategy', while Audit Scotland has variously critiqued a lack of strategy and plans around ICT and Human Resources. It is also likely that a Ministerial decision to set new Strategic Policing Priorities – announced in the September 2015 Programme for

⁵ MacLennan, S. (2016) 'Safer and Stronger? The Decline of Managerial Competence and Liberal Welfarism in Justice Policy'. *Scottish Affairs*, vol. 25 (1) pp. 62-82

⁶ Malik, A. (2017). *Democracy and epistocracy reconciled? The Scottish Police Authority and police governance in Scotland after 2012*. PhD Thesis. University of Edinburgh. <https://www.era.lib.ed.ac.uk/handle/1842/25843>

⁷ 'The Authority must a) submit its strategic police plan to the Scottish Ministers, and b) use its best endeavours to secure their approval of the plan (with or without modifications)' (s.34 (6) 2012 Act).

Government and published in October 2016 – delayed progress on high-level strategy development.

11. Setting out a high-level ten-year ‘vision’ that ties into the aims of police reform, the publication of the ten-year strategy ‘Policing 2026’ in June 2017 appeared to signal a breakthrough in terms of strategic planning and a sense of direction for the single service.
12. There are however, omissions in terms of the underpinning detail. While a three-year implementation plan was approved in May 2018, detailed workforce and ICT plans are still to surface. Policing 2026 also lacks detailed outcomes and objectives.

Police reform and practical obstacles

13. In some respects, problems around strategy development can be related to the accelerated reform process, and the sizeable obstacles generated in its aftermath. While centralisation arguably represented the most significant change to Scottish policing since the nineteenth century (Fyfe and Henry 2015: 2),⁸ the reform Bill proceeded swiftly through the Scottish Parliament, completing all three parliamentary stages in just four months (Scottish Parliament Information Centre 2012: 3).⁹
14. Describing the process as ‘top-down, politically driven, and accelerated’, Moggré et al. show how strategic police leaders ‘were often excluded from influencing the process towards a national police force’ and that ‘major changes were rushed through, in the understanding that problems and concerns could be fixed later’ (2017: 9).¹⁰
15. The complexity and scale of police reform, coupled with a lack of detailed financial planning and full business case played out in the early years of reform, as leaders struggled to get a strategic grip on the financial and practical ramifications of centralisation (Audit Scotland, 2015, 2016).¹¹
16. While a longer-term financial strategy aimed at delivering a balanced budget by 2021 is now in place, it lacks detail as to how the savings will be made, nor does it account for the still un-costed integration of British Transport Police (BTP) into Police Scotland.
17. The accelerated pace of reform also resulted in serious ICT challenges (later exacerbated by the failed i6 ICT integration project) which are likely to have impeded policy and strategic development, given that both are data dependent

⁸ Fyfe, N. and Henry, A. (2015), ‘Broadening and deepening the debate about police reform in Scotland’ *Scottish Justice Matters*, vol. 3 (2).

⁹ Scottish Parliament Information Centre (SPICe) (2012) *Police and Fire Reform (Scotland) Bill*. Edinburgh: Scottish Parliament.

¹⁰ See note 3.

¹¹ Audit Scotland (2015) *The 2014/15 audit of the Scottish Police Authority*. Edinburgh: Audit Scotland.

Audit Scotland (2016) *The 2015/16 audit of the Scottish Police Authority*. Edinburgh: Audit Scotland.

(Coleman, 2008).¹² For example, at the time of writing, age data (offenders and victims), as well as repeat victimisation and repeat offending data are not readily accessible at the national level. While investment in Information and Technology is integral to Policing 2026, progress on ICT lags behind and is not yet fully quantified.

Police reform and political obstacles

18. Taking an overview, the respective roles and responsibilities set out in the 2012 Act are reasonably clear; in practice however, it is arguable that the key tripartite actors operate in a contested and politicised space that has implications for strategic planning and vision.
19. While the stated rationale for the SPA was to establish an arms-length body between politicians and the police, the Authority quickly emerged as subservient to the Police Scotland's corporate Executive and the Scottish Government.
20. In its formative months, a power struggle between Police Scotland's first Chief Constable Sir Stephen House and then SPA Chair Vic Emery set the tenor for the tripartite relationship. More than the dispute itself (over control of key corporate functions), of significance is that the dispute was settled by direct intervention from the then Justice Minister. As Malik explains: 'the turf war to decide the boundaries of tolerance had in fact shaped the new boundaries of influence, in favour of the Chief Constable. This episode also marked the beginning of an interventionist approach undertaken by the then Cabinet Secretary for Justice' (Malik 2017; 204, 205).¹³
21. More broadly, with reputational factors playing a greater role in the new policing landscape, Scottish Government has sought to tighten its grip on Scottish policing, in part through its relationship with the SPA. As former SPA Chair Andrew Flanagan acknowledged, the SPA 'has yet to be seen to be sufficiently separate from Government or to fully establish its role and authority' (2016; 10).¹⁴
22. Research by Malik (2017)¹⁵ also shows the imprint of Scottish Government on Scottish police policy and planning, with civil service and Ministerial involvement ranging from light touch scrutiny to direct intervention. Drawing on a series of research interviews with Board members, Malik documents the problematic relationship between the Authority and Scottish Government in the early years of the SPA and shows how ministerial interventions undermined its independent role, at times circumventing the Authority entirely.
23. With the SPA currently operating under its third Chair, it is arguable that a more independent stance is still to be established. On the issue of Scottish

¹² See note 2.

¹³ See note 6.

¹⁴ Flanagan, A. (2017) *Review of Governance in Policing*. Scottish Police Authority.
<http://www.spa.police.uk/assets/128635/337350/337362>

¹⁵ See note 6. Also: *Steering from the centre: The Scottish Police Authority and police governance in Scotland*. Scottish Institute for Policing Research.
http://www.sipr.ac.uk/downloads/Research_Summaries/Research_Summary_28.pdf

Government secondments to senior SPA roles (currently three out of six posts, including the interim Chief Executive) and attendant risk of blurred institutional loyalties the Chair stated, 'I do not believe this in any way compromises the SPA's ability to carry out our functions. Indeed, I think it is important to recognise that these staff are professionals who fully understand their duties and responsibilities while working for the SPA' (Deacon, 2018; 13).¹⁶

24. While the appointment of Scottish Government secondees to key SPA roles serves as a visible reminder of the complex relationship between the two bodies, it is only part of the picture. Scottish Government sponsorship of the SPA lies with its Police Division which occupies a powerful if opaque position in the Scottish policing landscape.
25. As well as acting as the primary point of contact between Authority and Government and a source of advice to Scottish Ministers (Scottish Government, 2014),¹⁷ Police Division is responsible for supporting regular senior level engagement with the SPA, ensuring SPA inclusion in policy development, proportionate monitoring of SPA activities (based on information agreed with the Authority) and addressing significant problems arising in the Authority. Police Division representatives regularly attend SPA committee meetings (both private and public) acting as active participants at meetings rather than observers.
26. Police Division Establishment data (accessed via FOI) also points to the politicisation of police strategy, with the introduction of new strategy and performance roles from 2013 onwards that account for around a quarter of its workforce.
27. Conversely, the SPA has struggled to fulfil its strategic and performance function in part by dint of its limited resources. With its organisational capacity capped at 50 staff (Malik, 2017; 204),¹⁸ the SPA is nonetheless tasked with oversight of two organisations totalling an overall staff capacity of 23,869 (Scottish Police Authority, 2017: 62)¹⁹ while lacking direct access to the analytical and statistical resources that the Scottish Government has at its disposal. At the time of writing, the SPA has only two officers supporting performance work. The Authority also lacks direct access to the data that Police Scotland hold. Instead, the SPA sits at arms-distance from operational business and is reliant on the limited data made available by Police Scotland.

Case study 1. Police officer strength

28. In part, failure to gain a financial grip on the single service in the early years of reform may be related to the flagship SNP pledge (originally made in 2007) to retain police officer numbers at 1,000 higher than the previous Labour administration.

¹⁶ Deacon, S. (2018) SPA Reporting: SPA Chair's Report. Glasgow: Scottish Police Authority.

¹⁷ Scottish Government (2014) *The Scottish Police Authority Governance and Accountability Framework Document*. Edinburgh: Scottish Government.
<http://www.spa.police.uk/assets/128635/293617/frameworkdocument>

¹⁸ See note 6.

¹⁹ Scottish Police Authority (2017) *Annual Report & Accounts 2016/17*. Glasgow: Scottish Police Authority. <http://www.spa.police.uk/assets/128635/293627/433395>

29. Adherence to a non-negotiable and arbitrary target impacted directly on police resource allocation. Required to maintain officer numbers while reducing the deficit, police leaders cut civilian staff roles resulting in a nearly forty percent reduction between 2010 and 2018: from 7,862 in March 2010 to 4,664 in December 2017 (Scottish Parliament Information Centre, 2014; 12, Police Scotland, 2018; 32).^{20, 21} At the same time, a lack of data on the proportion of officers in frontline policing and support roles precluded meaningful scrutiny of the policy consequences.
30. The sharp reduction in civilian resulted in backfilling by warranted officers and fewer officers in community-facing roles; between 2012 and 2015 the proportion of adults who saw the police daily fell from 20% to 11% (Murray, 2018).²²
31. With wages and salaries accounting for over 90% of the SPA and Police Scotland budget, the commitment to maintaining high police numbers appeared to act as a financial and strategic straitjacket. Describing the target as a 'very inflexible approach' and a 'relatively arbitrary number', former SPA Chair Andrew Flanagan stated: 'Our financial plans have to be based on 17,234 and for the time being that's where we are. But, ultimately, what we need is a highly skilled responsive mobile workforce' (cited in Robertson, 2016).
32. The SNP dropped the pledge to maintaining 1,000 extra officers in 2016, signalling a cautious shift in the politics around officer numbers. The fact that Police Scotland published its ten-year strategy the following year is unlikely to be a coincidence given the plans and savings set out in Policing 2026 are predicated on a mixed workforce. Nonetheless, by dint of the long-standing political capital invested in the police officer target the issue remains acutely sensitive and continues to put political pressure on police leaders, with proposals to address the serious financial deficit by cutting the number of police officer recently playing out in the media and Scottish Parliament.

Case study 2. British Transport Police integration

33. Tapping into the complex dynamics between the key tripartite actors, the proposed integration of British Transport Police (BTP) into Police Scotland under the Railway Policing (Scotland) Act 2017 also looks set to narrow strategic planning and options.
34. Originally proposed as a cost-neutral project with minimal transition costs, serious risks and significant costs surfaced within months of Royal Assent.

²⁰ Scottish Parliament Information Centre (SPICe) (2014) *Draft Budget 2015/16: Justice* Edinburgh: Scottish Parliament.

²¹ Police Scotland (2018) *Police Scotland Performance Report*. 27 February 2018. Glasgow: Scottish Police Authority. <http://www.spa.police.uk/assets/126884/441011/441165/445320/445344>

²² Murray, K. (2018) *Police reform and public confidence in Scottish policing: 2012 to 2015. An analysis of Scottish Social Attitudes survey data*. Dundee: Scottish Institute for Policing Research. http://www.sipr.ac.uk/downloads/SSA%202012_2015_Public_confidence_and%20police%20reform.pdf

35. Citing safety concerns, in February 2018 the Scottish Government announced integration would be delayed. Current issues include escalating transition costs, a significant pension liability, lack of clarity on the operating model, minimal progress on terms and conditions and a lack of buy-in from BTP Scotland officers and staff. In addition to its sizeable existing ICT challenges, full integration also requires Police Scotland to stand up a Scotland-wide railway ICT architecture that can interface with BTP systems. There is also no evidence to indicate that full integration will result in more effective operational policing or an enhanced service.
36. While it seems clear this situation marks a sharp departure from Bill as passed, work on full integration continues, with Police Scotland and the Scottish Police Authority expected to implement full integration.
37. Both Police Scotland and the Scottish Police Authority have raised concerns apropos specific aspects of the integration project. As the responsible employer, the Scottish Police Authority appears uncomfortable about potential pensions liability, while Police Scotland has highlighted a range of risks and costs, noting that all resources are committed to Policing 2026 and reform, and that it has a 'low risk appetite'.
38. While the cumulative effect of the problems raised by Police Scotland arguably amount to a detailed and substantive case against full integration, both Police Scotland and the SPA appear to have their hands tied. Whether the will of Parliament can continue to sustain the merger is unclear. What is however clear is that ongoing political involvement in railway policing policy is likely to detract from other policing priorities and put both organisations at a strategic and financial disadvantage.

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