

Justice Committee

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

Supplementary written submission from Unison Police Staff Scotland

Introduction

UNISON is Scotland's largest public sector trade union representing over 160,000 members delivering services across Scotland. UNISON represents the majority of Police Staff in Scotland. We welcome this opportunity to contribute to the Committee's

UNISON Police Staff Scotland welcomes the opportunity to supply further evidence to questions from the committee whereby we can address and expand on the issues of:

- how able staff are to challenge or criticise the police service decisions, whether their views are taken on board, and if not, how this can be improved?
- Should there be a review of the role of Scottish Ministers in governance of the police service? Who might carry out such a review and does the legislation need to be amended to assist?

In previous submissions to the Justice Sub Committee we have described how concerns, grievances and complaints affecting individual employees and UNISON have been dealt with. These still hold true and remain relevant.

Whilst significant improvements and advances have been made in terms of our voice being listened to by Police Scotland, the Scottish Police Authority, the Justice Minister – this has not always been the case.

We have previously disagreed on approaches to organisational change, (operational) policy development/deployment, outsourcing, the cultures driving change and leading the organisation.

We would raise these issues at various levels but there is little evidence to suggest that at that time the SPA Board or Justice Minister had any intention of acting on those concerns.

If anything our point is reinforced by the actions of the Board in their attempts to "improve governance" by moving committee meetings behind closed doors and excluding UNISON. This was only averted as a result of the intervention and wide ranging criticism by a range of bodies who shared our view.

We recognise much hinges on and is entirely dependent on the will of leadership to keep up and maintain greater levels of engagement, listen and promote a positive culture which values industrial relations.

The creation of the Senior Leadership Forum and the SPA's Resources Committee which provide an open invitation to UNISON are positive and welcome.

In Police Scotland and SPA there are now a variety of different forums (including wellbeing surgeries and Ethics Panels) which have been established to listen to staff, take proactive steps and challenge management to address problems which arise, again this is positive and welcome, providing a useful barometer of internal problems and pressures.

However, positive changes to whistleblowing guidance which offer greater protections to those raising concerns have been very slow to materialise.

We also favour the expansion of independent scrutiny bodies to hear employee complaints concerning their service as we do not think there is currently sufficient balance or impartiality. This would require a legislative change.

We would like to see this positive work underpinned with permanent structures and a guaranteed commitment to work towards implementing the recommendations of Jim Mather's *'Working Together Review: Progressive workplace policies in Scotland'*.

Secondly, with regards to the role of ministers in shaping our national police service there needs to be greater clarity and more openness about ministerial decision making, how decisions are arrived at, applied and accounted for by way of records/minutes.

It has always been very difficult to deduce precisely where ministerial advice and guidance start and instruction, direction and intervention end, between the Justice Minister, Scottish Government and the Scottish Police Authority.

This has a direct impact on the credibility of the single service in appearing free from political interference and as a legitimate entity capable of deciding its own structure, make up and future direction.

In order to satisfy the desire for greater transparency, improved standards and building on our support for the adoption of the Scottish Parliament 'Lobbying Register', UNISON believes this review should consider the development of a legislative framework similar to the Ministerial Direction/Technical Direction reporting process between UK Government Departments and the National Audit Office. This would compel the contemporaneous publication of Scottish Ministerial directions on a fully disclosable register.

There are analogous bodies in Scotland that could perform this function such as Audit Scotland and this would ideally provide greater scrutiny of the governance role of ministers and reveal the value of their direction.

At present there appears to be no such requirement in Scotland but there is frequent speculation, parliamentary debate and media attention surrounding ministerial interventions in policing and other ministerial portfolios.

UNISON feels such a move would instill greater trust and confidence whilst building on the Scottish Government commitment to lead a more “open government”, which comes as a prerequisite of our membership of the Open Government Partnership (OGP) and our endorsement of the Open Government Declaration

2 November 2018