

scottish justice matters

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CHANGING TIMES

Special features on the reforms facing Scotland's criminal justice system

Also

Problem-Solving Courts

Interview with
HM Chief Inspector of
Prisons, Hugh Monro



REFORM
IN SCOTTISH CRIMINAL JUSTICE

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MAKING SENSE OF A RADICALLY CHANGING LANDSCAPE:

THE KEY CONTOURS OF POLICE REFORM IN SCOTLAND



Nicholas Fyfe comments on the shifts in governance, accountability, 'policing principles', international policing connections and public perceptions of the new Police Scotland.

SEPTEMBER 2011 will surely be remembered as a key turning point in the history of British policing. That month saw major political developments regarding the future structure and governance of the police which signalled radically diverging trajectories of reform north and south of the border. In England and Wales, September 2011 saw the Police Reform and Social Responsibility Act become law, introducing what one government minister has described as "the most significant democratic reform of policing in our lifetime". In an attempt to ensure much stronger local accountability of policing within the 43 territorial forces, elected Police and Crime Commissioners (PCCs) were introduced with wide-ranging powers over the 'totality of local policing' including local police budgets and the appointment of chief officers.

In Scotland in the same month, the Justice Minister stood up in the Scottish Parliament to set out a package of radical changes (now contained within the 2012 Police and Fire Reform (Scotland) Act), indicating a very different trajectory of reform that sweeps away a long history of local police forces and replaces them with a new national police organisation, the Police Service of Scotland.

This new national service will be accountable to a new national body, the Scottish Police Authority, comprising 14 appointed members with responsibility for maintaining an efficient and effective force and for developing a national policing plan. Although these developments appear to herald a move towards greater centralism, local policing has been made a statutory requirement in Scotland, with the creation of 32 police districts aligned with the boundaries of the 32 local authorities, each with a local police commander required to draw up a local policing plan. Local police boards made up of elected councillors will disappear, and it will be up to local authorities to determine how they engage with local police commanders.

What lies behind the most radical shake-up to policing in Scotland for a generation? The political narrative has focused overwhelmingly on the economic rationale for reform. Confronted with cuts in public spending determined in Westminster, the Justice Secretary has argued that "the status quo" in policing is now "unsustainable" and that the only way "To protect and improve local services" (and to avoid the cuts in officer numbers occurring in England and Wales), is to stop "duplication of support services eight times over" by creating a single police service. The Scottish Government has estimated that this reform could achieve savings of about £100 million a year (or 8% of the annual cost of Scottish policing). There are, of course, other potential benefits that the Scottish Government has been keen to highlight. A national police service will, it is hoped, create more equal access to specialist support and national capacity in areas like murder investigation, firearms

teams and responses to major incidents. In addition, the new relationship between local policing and local authorities will, it is hoped, “strengthen the connection between services and communities”.

The new arrangements for policing in Scotland came into effect on 1 April 2013, so whether the changes deliver the anticipated financial savings, more equitable access to specialist expertise, and greater local engagement remains to be seen. However, four observations can be made now in relation to the programme of reform set in motion by the Police and Fire Reform (Scotland) Act.

First, in terms of governance, police reform in Scotland appears to shift the distribution of power over policing towards the centre, privileging bureaucratic and technocratic forms of accountability rather than electoral and democratic approaches. The Scottish Police Authority will be the main body to hold the new Chief Constable to account, but its membership is selected rather than elected, while at a local level councillors have been stripped of their powers to set the local police budget and appoint local chief officers. In future, their main statutory role will be a consultative one around the local policing plan drawn up by the local commander. While this signals a diminution in formal political power at a local level, there is the possibility that these changes will actually open up scrutiny of local policing arrangements to a much broader range of elected representatives than existed under the old system of police boards, given that all councillors can now be part of the new consultative arrangements. In addition, it is also clear that the Chief Constable of Police Scotland, Stephen House, wants to maximise local participation in setting local policing priorities and has announced that there will be ward level policing plans in addition to those developed at a local authority level. What will be interesting to observe over the coming months, however, is how the relationship between local authorities and local police commanders plays out in different places across Scotland and how some of the potential tensions between ward, local authority, and national policing plans are resolved.

In Scotland, the focus on community wellbeing and on prevention suggests an important shift away from a narrow, enforcement-led approach to policing

Second, the reform programme has been used as an opportunity to articulate a new narrative about policing in Scotland by embedding a set of “Policing Principles” within the Police and Fire Reform Act. With echoes of Sir Robert Peel’s “Principles of Policing” set out in the nineteenth century, the “Policing Principles” of the 2012 Act define the policing mission as “to improve safety and well-being of persons, localities and communities” and that this is to be achieved in a way that “is accessible to, and engaged with, local communities” and “promotes measures to prevent crime, harm and disorder”. This is an interesting development that stands in stark contrast to the political narrative being promoted in England and Wales, where the Home Secretary has made it clear that the focus

of policing must be crime reduction. In Scotland, the focus on community wellbeing and on prevention suggests an important shift away from a narrow, enforcement-led approach to policing and an acknowledgement that crime and disorder may create significant harms for local communities. In addition, the Policing Principles set out in the Act also indicate the police should work in collaboration with others where appropriate. Reflecting a strong tradition of partnership working within Scottish policing, this formal commitment to collaboration signals the potential of a progressive agenda around adopting a more problem-solving approach to problems of crime and disorder.

Third, in terms of international policy influences, it is clear that Scotland has looked across the North Sea to northern and western Europe for evidence of the effectiveness of national police organisations. In the run up to its decision to establish a national police force, Scottish Government convened an International Policing Summit at which representatives of police forces in several European countries, including Norway, Denmark, Finland, and the Netherlands spoke about the development of their national police structures to an audience of Scotland’s police chiefs, local authority representatives, and government officials. What is also clear from this wider international experience, however, are the challenges around implementing a major structural reform of this kind. Denmark, for example, experienced a significant decline in citizen satisfaction with policing in the years immediately after their most recent reform programme, as people felt the police were less visible and accessible and had less detailed local knowledge of the problems within communities. In Finland, not only did the anticipated financial savings associated with police reform not materialise, but there were sharply diverging assessments of the success of reform there depending on the rank of officers, with senior personnel being more positive than their junior colleagues.

Finally, it will be important to track how the public responds to these changes. The Scottish National Party Government clearly had an electoral mandate for police reform, which was a key part of its 2011 election manifesto. However, its subsequent public consultation on the issue revealed a range of anxieties about the potential local impacts of creating a national police force, including concerns about a loss of local knowledge among police officers, a loss of local accountability, and a bias in resources to the major cities rather than to remote rural areas. While the performance of the new police service will be judged on a range of indicators, from recorded crime through to efficiency savings, a key test of any police reform is its impact on public trust and confidence in policing. It will therefore be vitally important to evaluate the impact of Scotland’s radical programme of change on public perceptions of policing in the years ahead.

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