



**UNISON Scotland response:
Scottish Parliament Justice Committee Call
for Written Views: Post Legislative Scrutiny of
the Police and Fire Reform (Scotland) Act
2012**

May 2018

Introduction

UNISON is Scotland's largest trade union with members across the public, private and voluntary sectors. UNISON represents police staffs and fire and rescue control room and support staff in Scotland. We welcome the opportunity to submit evidence to the Justice Committee.

Background

UNISON Scotland opposed the legislation for reform of police and fire & rescue services. In particular, we noted that the proposals failed the Christie Commission principles of public service reform¹, including that services should be designed with and for people and communities. The Christie Commission also specifically raised concerns about ensuring accountability, both direct and through democratically elected representatives. Regrettably, the reform that has taken place has been done on the basis of exactly the sort of 'top down' approach that the Commission had warned against. We believe that many of the problems that have caused each service considerable difficulties and strong criticism since their creation could have been avoided with a different approach at the start. Shockingly there was not even a full business case,² and the Scottish Government refused to listen to better governance proposals, which would also have avoided the £140m VAT³ fiasco. UNISON would feel justified in saying, 'we told you so'. However, we aim here to look to the future in summarising our ongoing concerns on police and fire & rescue.

The Committee's remit is to consider whether:

- *the policy intentions of the Police and Fire Reform (Scotland) Act 2012 have been realised and are being delivered; and whether*
- *any further policy or legislative changes are required to improve the effectiveness of the Police and Fire Reform (Scotland) Act 2012.*

As the Committee noted in the call for views:

The Scottish Government's three main policy intentions in promoting the 2012 Act were:

- *To protect and improve local services despite financial cuts, by stopping duplication of support services eight times over and not cutting front line services;*
- *To create more equal access to specialist support and national capacity - like murder investigation teams, firearms teams or flood rescue - where and when they are needed; and*
- *To strengthen the connection between services and communities, involving*

¹ http://www.unison-scotland.org.uk/response/Police&FireReform_SPJusticeCtteEvidence_Feb2012.pdf

² <http://www.bbc.co.uk/news/uk-scotland-highlands-islands-24926946>

³ http://www.heraldscotland.com/news/15677005.Budget_2017_Chancellor_scraps_VAT_charge_for_police_and_fire_service_in_Scotland/

many more local councillors and better integrating with community planning partnerships.

In responding, a large focus of our answers is on how the merger has affected support staff. They are essential to a quality service, offering best value.

RESPONSE TO CONSULTATION QUESTIONS

Police service

1. *In your view, what have been the consequences of the 2012 Act for the police service? Please set out your views on (a) any benefits and (b) any negative consequences of the 2012 Act for the police service.*
2. *Have the policy intentions of the 2012 Act in relation to the police service been met?*

Benefits

UNISON struggles to identify benefits from the Act. We would simply stress how much the service has benefited from the dedication and commitment and hard work of our members during a very difficult period of change. We acknowledge that there have been some reported improvements in providing specialist support and national capacity to assist local policing teams, for example in high risk missing person or murder investigations. However, we would point to both anecdotal evidence and the Evaluation of Police and Fire Reform Year 2 Report⁴ that there have been considerable problems in this such as the capacity of specialist teams to respond “in a timely way”, and with reference made to pressures on local partnership working due to public sector spending cuts, with community engagement and local joint initiatives under pressure from other demands on policing.

Negative consequences

We said in our policing manifesto in 2016 that police staffs have borne the brunt of a process of centralisation, budget cuts and politically driven targets. This process has been bad for policing, bad for communities and bad for staff. The Justice Committee has regularly heard from our Police Staff Scotland branch about our major concerns, particularly the damaging insistence on maintaining 1,000 extra police officers, which significantly compromised the ability of Police Scotland and the Scottish Police Authority to develop a modern and sustainable police service. It is good that the Scottish Government’s target of 17,234 police officers has been dropped. UNISON repeats our calls for policing to be adequately resourced to keep Scotland safe, with a balanced workforce responsive to locally determined priorities.

Policy Intentions

We do not believe that local services have been protected or improved in the ways they should have been. More than 2,000 police staff posts have gone, with no proper equalities impact assessment. A total of £140m was lost through the VAT fiasco and there has been the expensive use of police officers to backfill many of the civilian posts, including for Police Custody and Security Officers, as highlighted to the Sub Committee on Policing⁵. The statutory duty of Best Value was abandoned to political expediency. Audit Scotland has been highly critical of financial planning by Police Scotland and the Scottish Police Authority, estimating in December 2016 a budget deficit of around £188 million over the current parliamentary term to 2021/22.

⁴ <http://www.gov.scot/Resource/0052/00523031.pdf>

⁵ http://www.parliament.scot/S5_JusticeSubCommitteeOnPolicing/Inquiries/PSCP-Unison.pdf
http://www.parliament.scot/S5_JusticeSubCommitteeOnPolicing/Inquiries/PSCP-UnisonSupplementary.pdf

Our 2015 submission to the Review of Governance of the Scottish Police Authority⁶ highlighted our wide-ranging concerns about the SPA's failure to properly scrutinise Police Scotland. Much has happened since then to confirm our criticisms were justified. We said then: "...there has been a reluctance by the SPA to proactively pursue information which suggests any degree of impropriety by the body it is scrutinising."

Sadly, while we remain hopeful that the SPA, under the new leadership of Susan Deacon, will begin to improve considerably (it can hardly get worse), a May board meeting gives renewed cause for concern. The Scotsman's home affairs correspondent Chris Marshall reported that not one member asked a question of Deputy Chief Constable Iain Livingstone, when he rebutted claims made in a BBC Scotland documentary broadcast earlier that week. Mr Marshall said, of Ms Deacon's pledge for the SPA to become more "outward-looking", that "there is still a lot of work to do", concluding that it "appears more interested in defending and buttressing Police Scotland than asking difficult questions of its senior leadership."⁷

We restate our belief that it should be possible to establish the single police force as a local government joint board, which would allow local democratic accountability.

Scottish Fire and Rescue Service

3. *In your view, what have been the consequences of the 2012 Act for the fire and rescue service? Please set out your views on (a) any benefits and (b) any negative consequences of the 2012 Act for the fire and rescue service.*
4. *Have the policy intentions of the 2012 Act in relation to the fire and rescue service been met?*

Benefits

UNISON struggles to identify benefits. As with the police, we want to stress how much the service has benefited from the dedication and commitment and hard work of our members during a very difficult period of change. Our Scottish Fire and Rescue branch would like to welcome the increased engagement between management and ourselves since the merger, IF it was truly working in the way it should. However, it regularly seems like a tick box exercise, paying lip service rather than taking on board staff concerns.

Negative consequences

The branch says that work related stress is high and morale is at rock bottom. There are still too many people 'in detriment' following regrading, with many people having left, stating that they cannot afford to stay. Issues of work life balance are also prevalent due to the closure of many legacy buildings, requiring considerable travel distance/time to people's new place of work. The branch is asking to see what staff turnover figures show and argues that part of the reason the number of people in detriment has fallen is due to unhappy people leaving. This can be support staff with many years of experience, some with specialist skills. It represents a considerable loss of skills and experience to the service. This does not help deliver the policy intentions of the Act.

⁶ http://www.unison-scotland.org/library/PoliceGovernanceReview_UNISONEvidencetoScottishPoliceAuthority_Dec2015.pdf

⁷ <https://www.scotsman.com/news/opinion/chris-marshall-scottish-police-authority-fails-to-ask-tough-questions-1-4739921>

UNISON also condemns the recent decision by the Board to outsource cleaning, caretaking and janitorial services, affecting the jobs of 95 people. We have argued this goes against more recent public sector policies on privatisation, where many such contracts have been brought back in-house. We have serious concerns that this attitude to service delivery could potentially see more proposals for privatisation. Unions will argue strongly against any further such moves.

The view of our branch is that if you were to ask support staff if the service is better today than five years ago, 100% of people would say no and members believe that the uniform staff would back that up. If the SFRS wants to deliver on the policy intentions of the Act, key to doing so is ensuring that workers are valued, with good pay and conditions, are respected and listened to and properly included in decision making. Our members provide a quality service and want to contribute to an SFRS that they are proud to be part of.

Conclusion

We urge the Justice Committee to make strong recommendations, both for any legislative change needed, and on the other evidence they hear about the range of failings and proposals for improvement. Our 2017 response⁸ to the Consultation on Policing 2026 recognises the opportunity in a new dialogue with and involvement of staff in planning the future of the police service. We make various proposals, including about the importance of a fully researched evaluation to establish how many officers and staff are needed to police Scotland.

At a minimum, for the police there needs to be a review setting out clear governance structures covering the Cabinet Secretary for Justice, the SPA and Police Scotland. (It would be helpful if this stipulates that records of meetings should be kept!⁹) And the SPA board should include a trade union representative, as recommended by the Working Together report.

With both services, it is clear that prevention work is suffering. Staff shortages have shifted priorities. We have recently been highlighting the importance of fire safety work since Grenfell, in the light of cuts to fire and other related services¹⁰. We would like the Committee to examine the importance of prevention and point out that the Evaluation of Police and Fire Reform Year 3 Report¹¹ said: *“Despite Christie’s principles (2011) outlining the need to reduce demand through primary prevention, such as early intervention, many of the examples of police and fire prevention activities focused on secondary prevention, directed at preventing an existing risk from reoccurring e.g. young people engaging in anti-social behaviour.”*

For further information, please contact:

Dave Watson,
Head of Policy and Public Affairs
d.watson@unison.co.uk

Fiona Montgomery,
Information Development Officer
f.montgomery@unison.co.uk

Mike Kirby, Scottish Secretary
UNISON Scotland, UNISON House, 14, West Campbell Street, Glasgow,
G2 6RX

⁸ <http://www.unison-scotland.org/library/Police-2026-May-2017.pdf>

⁹ http://www.heraldscotland.com/news/15894869.MSPs_tell_Matheson_to_minute_future_police_meetings/
<http://www.unison-scotland.org/2018/01/11/get-minuted-campaign-scottish-government-record-keeping/>

¹⁰ <http://www.unison-scotland.org/2018/04/18/we-must-learn-lessons-from-grenfell-and-end-cuts-to-fire-safety/>

¹¹ <http://www.gov.scot/Resource/0053/00530947.pdf>