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# In search of sustainable policing? Creating a national police force in Scotland.

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## IN SEARCH OF SUSTAINABLE POLICING? CREATING A NATIONAL POLICE FORCE IN SCOTLAND

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### 7.1

#### INTRODUCTION: DIVERGENT TRAJECTORIES

Reform and policing have become familiar companions in the UK over the past couple of decades, even if the nature, scope and pace of this reform have evolved differently in the three main jurisdictions. Ever since the Sheehy Inquiry (Home Office, 1993) into Police Responsibilities and Rewards established by a Conservative Government and that covered England, Wales, Scotland and Northern Ireland, the attempts at changing the landscape of 'British' policing that emanated from that Inquiry have been quite distinctive in the different areas of the UK. Much of the police legislation of the 1990s and 2000s that promoted change was applied only to England and Wales and focused vigorously on the prevailing liberal doctrines of 'value for money', performance and accountability, and efficiency and effectiveness within a public service. The police in Scotland were sometimes included in this legislation passed by the UK Parliament at Westminster, but in a minimal way. Nonetheless, the Scottish police service kept a watchful eye on developments in its southern neighbours and not infrequently imported models of business practice developed there, such as the use of the National Intelligence Model, the concept of 'Best Value' and the use of performance indicators. Even with the coming of the new Scottish Parliament and government, created by the 1998 Scotland Act, such moves were rarely embodied directly in legislation, but emerged from the close interactions between chief constables, politicians and civil servants encouraged by devolution (Scott, in press). Meanwhile, the complex and troubled issues around policing in Northern Ireland had been addressed by the Patten Report (1999), leading to the creation of a new police service and with it a wholesale series of reforms of everything from insignia to governance, from operational structures to human rights compliance. The close cultural and operational links with the new Police Service of Northern Ireland were to make it an obvious comparator when police reform came onto the agenda in Scotland.

The summer of 2011 witnessed a number of further significant developments in the development of this patchwork of police reform in the UK. In September, the Police Reform and Social Responsibility Act for England and Wales became law, introducing what one government minister has described as "the most significant democratic reform of policing in our lifetime" (quoted in

Loveday, 2011: 195). In an attempt to ensure much stronger local accountability of policing within the 43 territorial forces, elected Police and Crime Commissioners (PCCs) will be introduced with wide-ranging powers over the 'totality of local policing', including local police budgets and the appointment of chief officers (discussed in more detail in Loveday's chapter, this volume). In Scotland in the same month the Justice Minister stood up in the Scottish Parliament and also announced radical reforms to policing, but these indicated a direction of travel very different to the changes south of the border. In an attempt to address significant reductions in public spending, the structure of local police forces that has existed in Scotland since the early 19th century is to be swept away and replaced by a new national police force, the Police Service of Scotland (PSS) from 1 April 2013. These changes will also strip local government of its traditional role in funding local policing and in calling the police to account, responsibilities that will now be exercised at a national level. These are some of the most significant changes in the history of policing in Scotland, developments that appear to herald a move towards greater centralism in contrast to the emphasis on localism in the policing of England and Wales. In this chapter the background to these changes is examined along with a detailed reconstruction of the main steps in the reform process and consideration of the key proposals contained in the 2012 Police and Fire Reform (Scotland) Act (hereafter, the Police Reform Act). The chapter also explores the wider implications of these reforms, including what they reveal about the different drivers of police reform in the UK, the governance of policing, and changing political narratives about the role of the police in late modern society.

## 7.2 CONTEXT: THE SHIFTING BALANCE OF POWER WITHIN SCOTTISH POLICING

Policing in Scotland, like the rest of the UK, has always involved a complex interplay between national and local interests and influences, but with many observers detecting a 'creeping centralism' over the last 20 years. The arrangements for the governance of policing that have provided the context for these developments were established in the 1967 Police (Scotland) Act that created a constitutional settlement known as the tripartite structure. Under this structure, central government had overall responsibility for policing policy in Scotland and contributed 51% of the costs of policing. Before devolution this responsibility was exercised by the Secretary of State for Scotland, but with the establishment of the Scottish Parliament in 1999, policing became a devolved matter, and Scottish Ministers then exercised this power and were answerable to the Scottish Parliament. Local government interests in policing were represented through police boards made up of locally elected councillors, and their responsibilities included setting the budget for their local force

(and contributing 49% of the costs of policing) and appointing senior officers. The third element of the tripartite structure was the chief constable of the local force, who, although answerable to the local police board and to Scottish Ministers, was able to exercise operational independence in relation to the management and utilization of police officers. This operational independence (sometimes referred to as the 'doctrine of constabulary independence') asserts that police officers are responsible to the law, and only to the law, and that policing decisions must therefore be insulated from direct political interference. Described as an 'explanatory and cooperative' model of police governance (Reiner, 2010), the balance of the relationship between the three elements of the tripartite structure has undergone significant change over the last 50 years. This is partly because the number of local police forces has declined over time as a result of a series of mergers. In the 1850s there were over ninety local police forces in Scotland, but only half this number 100 years later. By the 1970s, the number of forces had halved again to 22, although each of Scotland's cities still had its own police force whose boundaries were broadly in line with those of the built-up urban area. As a result of local government reorganization in 1975, however, new regional and island councils were established and the boundaries of police forces realigned to create eight new territorial forces that have existed until the current reforms. Of these, Strathclyde Police in the west of Scotland was by far the largest, with a force area that encompassed almost half of Scotland's population (2.3 million), the largest city (Glasgow) and had over 7,000 officers. The remaining area of the country was the responsibility of seven other forces, which varied greatly in terms of the geographical area and population they covered and in terms of the number of officers. Northern Constabulary, for example, was responsible for a geographical area the size of Belgium; Dumfries and Galloway Constabulary in south west Scotland had only 500 officers, making it smaller than a police division within the Strathclyde force.

Along with changes in geographical boundaries, the distribution of power within the tripartite structure has also shifted significantly over the last 50 years. The Local Government (Scotland) Act 1994, which replaced two-tier local government with 32 single-tier (unitary) local councils, fundamentally changed the character of police governance overnight. For Strathclyde Police, for example, this meant that rather than dealing with one regional council, the police board now comprised representatives of 12 separate councils. Such fragmentation of local democratic involvement in policing was compounded by the way police boards had little capacity for carrying out independent scrutiny of their force's performance and therefore typically relied on their chief constables to provide information. It is therefore unsurprising that some observers have concluded that 'The way the tripartite system works is that the key players are central government officials and chief constables with the local police board largely providing the rubber stamp' (Scott & Wilkie, 2001: 58).

The balance of power between the Scottish Government and local chief constables had also shifted over the last 15 years. The Scottish Government gradually acquired statutory powers that allowed it to be more interventionist, directing chief constables to include information on specific topics in their annual reports and ensuring that common services are provided where this is deemed necessary for promoting the efficiency of the police. Under the Police, Public Order and Criminal Justice (Scotland) Act 2006, for example, it established the Scottish Police Services Authority (SPSA) governed by a board appointed by Scottish Ministers and with responsibility for the delivery of police training and education (via the Scottish Police College), forensic services, and the Scottish Crime and Drug Enforcement Agency. Such centralism was also evident in the increasingly prominent role played by the Association of Chief Police Officers in Scotland (ACPOS) in formulating national policing policy in ways that might limit the discretion exercised at a force level by a local chief constable. As Donnelly and Scott (2005) have observed:

ACPOS's corporate significance may compromise the independence of individual chief constables, who may find it difficult to break ranks with an agreement reached jointly by their representatives and another party, especially the government. (p. 75)

Further evidence of a centralizing agenda came in 2009 when the Justice Minister announced the creation of a new Scottish Policing Board to bring together central and local government partners with the police to identify strategic priorities across Scotland. This development fuelled concerns among many observers that the three legs of Scotland's tripartite system of police governance (central government, local government and local chief constables) have 'a very unbalanced look about them' (Donnelly & Scott, 2005: 81), with various researchers noting a 'creeping centralism' (Fyfe, 2011: 186), a 'long centralising drift' (Walker, 2000: 191) and that "the governance of Scottish policing appears to be moving inexorably in an ever more centralised direction" (Donnelly & Scott, 2010: 106).

### 7.3 THE ARGUMENTS FOR REFORM

It was not inevitable that Scotland would follow the path of merger into a single police force. Certainly attempts at reducing the number of forces in England and in Wales from the late 1990s did not meet with much success, and produced considerable opposition to the point of being discarded. Originally, the Scottish National Party (SNP) did not have police mergers on its agenda, and it was the main opposition party, Scottish Labour, that at its annual conference in September 2010 publicly announced its policy commitment to a single force. The SNP Government was won over to this position by the potential

for financial savings that it identified. In the final debate on the Police Reform Bill, the Cabinet Secretary for Justice, Kenny MacAskill, MSP, claimed that the measure would save the Scottish taxpayer £1.66 billion over 15 years. Despite some scepticism about these figures from opponents both within Parliament and without, the business case for reform remains its prime official driver.

There were, however, other reasons for a single force that have been promoted over the years by police organizations, such as the Association of Scottish Police Superintendents (ASPS), individual senior officers (notably the former Chief Inspector of Constabulary Paddy Tomkins in his *Independent Review of Policing*, Her Majesty's Inspector of Constabulary for Scotland [HMICS], 2009) and by academic observers (see Donnelly & Scott, 2010). These arguments focus to a greater extent on matters of police effectiveness, rather than purely on cost-efficiency.

One line of argument relates to the current force boundaries that are relatively arbitrary and out of line with the boundaries of crime and disorder that are more likely to be national and international. The problem with the current structure of Scottish policing is not that it has one police force, Strathclyde, covering half the country, but that it has no fewer than seven forces covering the other half. A single force can provide a national framework into which both local and national policing would fit in a more balanced way. This is necessary to facilitate the more integrated, national policing that is increasingly required to tackle problems that go beyond territorial boundaries (HMICS, 2009), for instance in relation to serious organized crime networks, major criminal investigations, and counter-terrorism. The Scottish police service is required to respond increasingly at this national level, and a national structure, it is argued, is more likely to ensure that resources are directed towards operations that require them, irrespective of where in Scotland they occur.

Contrary to the official descriptions, the existing model of policing in Scotland is not merely eight separate forces, but rather eight forces delivering policing at a local level, in co-operation with, and strongly constrained by, a multi-level and wide-ranging series of national influences and arrangements. These include a national road policing strategy that provides a framework of priorities for forces; a Scottish policing performance framework that lays out national objectives and outcomes; a national crime recording standard for compiling criminal statistics; a Scottish Strategic Assessment that lists the main priorities for Scottish policing; and central services relating to training, criminal records, and forensic services. On the basis of this, Donnelly and Scott (2010) argue that "what Scotland has, to all intents and purposes, is a national police service in embryo" (p. 470), and it makes sense to recognize this by developing a single national structure.

The existence of so many collaborations between Scottish forces might suggest that a single force is unnecessary. Police views have been ambivalent towards restructuring. The official position of ACPOS has been one of neutrality on

the issue, although an early response of ACPOS to ideas of merger was to establish a group to scrutinize possible areas for amalgamation or collaboration between forces. Over time the views of chief constables became increasingly divided. Some, often from smaller forces or forces outside the more populous areas, clearly stated their opposition to such a move. Others were not averse to reform or restructuring, but found it difficult to go public owing to sensitivities with their local police boards. Increasingly, a number of senior officers have spoken out in favour of a comprehensive review and restructuring of policing and in favour of a single force.

However, the barriers created by organizational structures and the quasi-constitutional rights of chief constables should not be underestimated. Force boundaries can inhibit speedy and effective police operations on a national basis, and so far attempts to coordinate this on a voluntary basis have been constrained by the conflicting interests of so many independent policing organizations. Reorganization and restructuring, it is argued, would provide opportunities for a more straightforward structure in which all policing agencies would find a home, and within which the various accountabilities to which policing is rightly subject could be more clearly defined. However, the creation of a single force is not only about merger; it is also about reform. Structural change can be the catalyst for opening up new ways of thinking about policing, new ways of delivering policing, and new ways of stimulating co-operation between police and the public, which has been a foundational feature of Scottish policing (Banton, 1964). It is also an opportunity to look again at the important issues of oversight, accountability, inspection and audit in light of new public sector developments and public expectations. Both the Police Reform Act and the programme for its implementation are already demonstrating that a reform agenda is taking shape (see below).

The arguments for police reform are not, of course, unproblematic. There are genuine concerns over the risk of losing local democratic control of the police and of undue national politicization of the police. The greatest challenge for the new PSS is how to balance the ever-expanding police agenda with the resource reductions required by the Scottish Government, and the challenge for the politicians is to ensure that the new service is established in a way that gives it a good chance of gaining public confidence.

#### 7.4 PREPARING THE GROUND FOR REFORM: THE SEARCH FOR A MODEL OF 'SUSTAINABLE POLICING'

Although the movement towards a greater centralization of policing in Scotland appeared to be gaining momentum by the late 2000s, few would have anticipated that this process would accelerate so quickly that a national police force would be established by 2013. The catalysts for this rapid and radical



change appear to have been a combination of the economic crisis of 2008 and the resulting cuts in public spending, and a change in the politics of Scotland that gave the SNP a majority in the Scottish Parliament. This section traces the key milestones on the road to reform between 2010 and 2011.

Early in June 2010 Scotland's Justice Minister, Kenny Macaskill, spoke to Scotland's chief police officers at the ACPOS Annual Conference and made clear that the Scottish Government had no plans to merge Scottish police forces to create a national police service. In fact, his speech celebrated the achievements of Scottish policing: recorded crime was at a 35-year low, the clear up rate for violent crime was at a 35-year high, and there were high levels of public satisfaction with policing. Within a matter of weeks, however, the Minister's message had changed. The political narrative now focused on the looming economic crisis and how the deep cuts to public spending being made by the coalition government in Westminster would impact on Scotland. It was being forecast that the decline in public spending in Scotland would mean that it would take at least 15 years (or until 2025/2026) for public spending to return to 2009/2010 levels. The police would need to share the burden of these cuts, with the Scottish Government estimating a reduction in police funding of £1.7 billion over the next 15 years (*The Guardian*, 2011). Against this background, work to identify what was termed a 'sustainable policing model' began. A Sustainable Policing Project team (comprising civil servants and police officers) was established within Scottish Government to explore the options for reform, focusing on three main models: a national police force; a regional structure comprising three or four forces; and continuation of the eight-force model but with enhanced collaboration. An early indication, however, that the Scottish Government was now thinking that police reform might involve a fundamental restructuring came in October 2010 when Scotland's First Minister addressed the SNP Party Conference and declared that Scotland was facing the most severe cuts in public spending in our life times and that he would put 'bobbies before boundaries' in order to ensure that police numbers were maintained despite cuts in police budgets (BBC News, 2010).

In January 2011, the Scottish Government launched a public consultation on the three options for reform. At the same time, the Sustainable Policing Project Team was relocated from the Scottish Government to the Scottish Police College, and leadership of the project was handed to a senior police officer. Symbolically and substantively, this was a highly significant event. It suggested a shift in the centre of gravity of the police reform process: rather than reform being done 'to' the police by government, reform was now being done 'with' the police. The police were now in a position to lead the debate around which structure (a national force, three or four regional forces, or eight forces) would best deliver an efficient and effective police force for the future, and a large number of police officers were drafted into the project team as 'professional experts' focusing on how the different options for reform might affect



'functional areas', including local policing, criminal investigation, and specialist operations. Significantly, however, this process occurred without the direct support or involvement of ACPOS, the body representing police leadership in Scotland and whom the Government would normally deal with in relation to an issue of this importance. This reflected the way in which ACPOS had become marginalized in the reform process largely because of deep divisions among chief constables about their preferred vision of the future. Most were in favour of either the status quo of eight forces or limited mergers to create three or four regional forces. But the Chief Constable of Scotland's largest force, Strathclyde Police, was strongly supportive of a national force. In a series of public statements, the Chief Constable, Stephen House, argued that a national force would help protect police numbers because of the savings that would be made on infrastructure (instead of eight police headquarters you would only need one) and would also allow better access to specialist expertise across Scotland (given that under the existing arrangements smaller forces did not always have the capacity to provide the same level of specialist support as larger ones). By contrast, many of House's colleagues who were the chief constables of Scotland's smaller police forces argued that it was only through regional arrangements that it was possible to tailor the style of policing to the needs of very different communities, and they feared that a national force would see a drift of police resources to Scotland's most densely populated areas, leaving rural and remote areas under provided for.

In March 2011, the Sustainable Policing Project reported to the Scottish Government. The report made clear that a single (national) force model "provides the greatest opportunity to manage change, drive efficiency and in delivering operations when the change is complete", while the current structure (the eight-force model) 'represents the opposite' (Scottish Government, 2011a: 5). With a Scottish election only two months away, work on the options of police reform paused, but the election provided an opportunity for Scotland's political parties to declare their position on the future of Scottish policing. Significantly, three of the main political parties – the SNP, Labour and the Conservatives – all indicated that they would support the creation of a national force, with only the Liberal-Democratic Party continuing to argue for retaining the status quo, fearing that a national force would undermine the localism of regional forces. When the SNP were re-elected with a majority (before the election they had led a minority government), they were determined to use this political advantage to drive forward their programme of police reform.

In June 2011, the month following the election, the results of the government's public consultation on the options for police reform were published. Intriguingly, this revealed very limited support for a national force (less than 10% of respondents preferred this option), with most respondents preferring a regional structure and a substantial minority commenting that the lack of detailed information made it difficult to make a decision (Scottish Government,

2011b). Several anxieties about a national structure were highlighted, including concerns that it would be focused on the 'central belt' (the most densely populated area of Scotland lying between Glasgow and Edinburgh) and draw resources away from more remote or rural areas. There was also a view that different approaches were required in different parts of the country and that the move to a single force would damage local accountability. Despite these results, the Scottish Government's position remained that a regional structure would not deliver the level of savings required and that following the May election in which it had campaigned for a national force, it now had an electoral mandate for reform. In another significant development, it then convened an 'international policing summit' in August 2011, at which police representatives of several European countries that had already moved or were planning to move towards a national structure spoke of their journey. These included Norway, Denmark, the Netherlands and Finland. The main purpose of the summit appeared to be to provide reassurance to those involved in Scottish policing that a national structure could bring long-term benefits. Shortly after the summit the Government published the Outline Business Case (OBC) for reform (Scottish Government, 2011c), which provided further evaluation of the three options. This provided the clearest statement yet that a national police force would offer 'the greatest potential to generate efficiencies' (estimated at around £100 million a year or 10% of the total police budget) and would best deliver 'non-financial benefits in improvements to service delivery and policing outcomes', including better access to specialist expertise and greater coordination across different policing functions (Scottish Government, 2011c: 8).

Less than two weeks after the international summit, the Justice Secretary stood up in the Scottish Parliament and announced that he would now introduce legislation to create a national police force. As the Justice Secretary explained:

The status quo was not sustainable – we cannot afford to keep doing things eight times over. To do nothing would mean going down the route south of the border where there is no alternative strategy to massive reductions in police numbers.

Moreover, the regional option was dismissed as offering 'The worst of both worlds': "It would have been cumbersome, bureaucratic and would not have delivered the same benefits as a single service". The Government also argued that 'Communities don't care about boundaries; they want services to work effectively and efficiently' (Scottish Government, 2011d). And, echoing the themes of the international summit, the Justice Secretary declared that "This Government is ambitious for Scotland. If Denmark, Finland, Ireland, Luxembourg, Northern Ireland and Norway can have successful single services, so can Scotland".

## 7.5           LEGISLATING FOR CHANGE: THE 2012 POLICE AND FIRE REFORM (SCOTLAND) ACT

In January 2012 the Scottish Government introduced the Police and Fire Reform (Scotland) Bill into the Scottish Parliament along with a 'Policy Memorandum' setting out the objectives of police reform. These objectives are:

- To protect and improve local services despite financial cuts, by stopping duplication of support services eight times over and not cutting frontline services.
- To create more equal access to specialist support and national capacity.
- To strengthen the connections between services and communities.

The Bill made its way through the Scottish Parliamentary process of scrutiny by different committees, and in the summer of 2012 it received Royal Assent and became an Act. Given the relative paucity of direct police legislation and the statutory basis for the police resting primarily on the Police (Scotland) Act 1967, the new legislation is in itself a landmark in terms of establishing a foundation for 21st century policing in Scotland.

The Act contains a number of important clauses. First, a national police force will be established to be called the Police Service of Scotland (PSS). The PSS will be under the direction and control of a Chief Constable, and the responsibilities of the post are clearly stated in terms of administration, allocation and deployment of resources, and the provision of information. The overarching responsibility is to develop a national strategic plan for the service and to publish annual policing plans in order to secure continuous improvement in policing. Second, governance of the PSS will lie with a new body called the Scottish Police Authority (SPA). The Authority's main functions include resourcing the Police Service, promoting and supporting continuous improvement in policing, and holding the chief constable to account. An independent chair will be appointed by Scottish Ministers, and the Act provides for a membership of 'not fewer than 10 nor more than 14 other members', whose appointment must be based on possessing 'the skills and expertise relevant to the functions of the Authority'. The strategic priorities for the SPA will be set by Scottish Ministers, and the SPA must produce a three-year 'strategic police plan' as well as an 'annual police plan' and involve the Chief Constable in the production of these documents. Third, local policing becomes a statutory requirement and will be organized at the level of Scotland's 32 local councils. Each of these local police areas will have a local commander with responsibility for the policing of the area and the preparation of a local policing plan. Local policing plans will set out the main priorities and objectives for the policing of the local area, along with the reasons for selecting these, the arrangements for achieving these objectives, and the outcomes by which these priorities and objectives may be measured. The local council can provide feedback to the local commander,

ask for reports on the policing of the area and be consulted in the preparation of the local policing plan that the local commander must submit to the local council for approval. The local commander is required to provide reports on the carrying out of police functions, statistical information on complaints about the police, and other information about the policing of its area, 'as the local authority may reasonably require'. The Act also allows the local commander to consult on police plans with other persons out with the council. Fourth, the Act includes a set of 'policing principles' which state that:

The main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland, and that the police service, working in collaboration with others where appropriate, should seek to achieve that main purpose by policing in a way which (i) is accessible to, and engaged with, local communities, and (ii) promotes measures to prevent crime, harm and disorder. (para. 32)

In line with these principles, there is also a fuller statement of the duties of a police officer which goes well beyond the 'guard, patrol and watch' of the 1967 Act. These duties include preventing and detecting crime, maintaining order, and protecting life and property, and there is an explicit requirement on officers to act with fairness, integrity and impartiality, as well as upholding fundamental human rights and according 'equal respect to all people, according to the law'.

## 7.6 REFLECTIONS ON REFORM

Having sketched out the background to reform and the key changes contained within the legislation, this section attempts to step back from the specific details of the process and reflect on the wider implications of police reform in Scotland. Three themes in particular are important to address: the different drivers and divergent trajectories of police reform within Britain; the implications of reform for the governance of policing; and the emergence of a new narrative about the mission of policing.

### 7.6.1 *Different Drivers and Divergent Trajectories: Scotland's Reform in a British Context*

Although it is commonplace to refer to 'British' policing as though it were a monolithic entity, there have always been important differences within Britain between the policing of England and Wales on the one hand and Scotland on the other (see Fyfe & Henry, 2012). Police reform has made those differences even starker. In terms of the main drivers of reform, the approach in England and Wales is strongly informed by a political-ideological vision focused on transferring power from 'the centre' back to local communities (see Loveday, this volume). In Scotland, by contrast, the political discourse has, at

least formally, focused much more on the economic rationale for reform and the search for a financially sustainable model of policing which does not involve cuts in police officer numbers. The OBC claims that a national structure will generate savings of over £100 million a year (or 10% of the annual police budget) without any reduction in what has become the ‘magic number’ of 17,234 police officers which the Government has made a commitment to maintaining given that it is the number of officers that existed when they came into office. In England and Wales, by contrast, there will be an 11% cut in police officer numbers (equivalent to over 16,000 officers) in order to address a 20% reduction in police budgets over the next four years. It needs to be borne in mind, however, that although the stated rationale for reform in Scotland is economic, there is almost certainly a political dimension to it as well. A referendum on Scottish independence will in all likelihood take place in the autumn of 2014 and the Scottish Government cannot be unaware of the symbolic associations between policing, nationhood and ‘polity-building’ (Walker, 2000: 133) and so the establishment of a national police organization should be seen in this context as part of that wider state building project (Fyfe & Henry, 2012). Although no claims have been made in this respect by the Scottish Government, it is certainly a connection that has been made by those who have opposed the move to a single force, both in the Scottish Parliament and in the press.

Other important differences that are now opening up between England and Wales and Scotland include shifts in the distribution of power over policing. The introduction of locally elected PCCs in England and Wales (see Loveday, this volume) builds on concerns which date back to the last Labour Government of a perceived ‘democratic deficit’ in policing governance because of the lack of a “clear line of ‘electoral accountability’ by which citizens could express their support for, or censure of, locally elected representatives charged with overseeing policing” (Sampson, 2012: 7). In Scotland, the greater involvement of Scottish Ministers in setting strategic priorities, the creation of the unelected SPA and the abolition of local police boards all suggests a much more centralised, technocratic and bureaucratic approach to police governance. The introduction of PCCs also suggests that England and Wales continues to look across the Atlantic towards the United States in terms of policy innovation in policing. Scotland has explicitly engaged in a dialogue with Northern and Western Europe for evidence of the operation and effectiveness of national police organizations, and has been much influenced by the example of the Northern Ireland policing board in terms of governance and accountability.

### 7.6.2 *Democratic Criteria and the Governance of Policing in Scotland*

Jones (2008) has set out a range of democratic criteria that form the basis of a series of normative claims about the governance of policing. These include issues of equity (policing services should be fairly distributed between geographical

areas, groups and individuals), the distribution of power to influence policing policy (which should not be concentrated but be distributed across a number of institutions and agencies) and participation (citizens should have the opportunity to participate in discussions about, and have influence over, policing policy). In each of these areas there are important questions to be asked about the reform of policing in Scotland. In relation to equity, for example, how will decisions about the allocation of resources between local policing areas be determined? How will conflicts between local and national views as to appropriate resourcing be resolved? How will access to specialist expertise be facilitated in an equitable manner? In relation to the distribution of power, it is clear that although the trend towards centralism pre-dates the current reforms, the 2012 Police and Fire Reform (Scotland) Act has significantly accelerated this process. Scottish Ministers will not only appoint members of the SPA but will also have the power to direct the SPA in relation to both general and specific matters (although not in relation to specific police operations) and the power to determine strategic police priorities. The Chief Constable will also hold considerable power in relation to the direction and control of the police service and the development of strategic policing plans. At a local level, however, the Scottish Government has stripped local councils of all the powers they used to have to shape local policing. In the past locally elected councillors on the police authority had the power to set the police budget and appoint chief officers. After reform, these local councillors will have no financial responsibility for policing, their local commander will be chosen by the chief constable of the PSS, and their role in setting local priorities will be a consultative one in relation to a local policing plan drawn up by the local commander.

This raises some intriguing questions in relation to Jones' (2008) criteria of participation and the future relationship between 'national' and 'local' within Scotland. The 2012 Police Act makes clear the requirement on a local commander to submit a local police plan to the relevant local authority for approval. Given that such a plan must have regard to the national strategic police plan as well as priorities identified by local community planning, there are areas of potential tension around the balance between a participatory 'bottom-up' approach to setting local priorities and objectives and a more 'top down' approach led by the SPA and Scottish Ministers.

### 7.6.3 *A New Narrative for Policing?*

In Scotland, the reform programme has also been used as an opportunity to articulate a set of new 'Policing Principles' in which the emphasis on crime and disorder is subsumed within a broader statement of the policing mission: "the main purpose of policing is to improve safety and well-being of persons, localities and communities", and that this is to be achieved in a way that engages with communities and promotes measures to prevent crime, harm and



disorder. This is an important shift in emphasis away from a crime-centred definition of the purpose of policing. In England and Wales, by contrast, the Home Secretary has made it clear that the police focus must be crime reduction. 'The mission of the police', the Home Secretary contends, "which was established by Sir Robert Peel as preventing crime and disorder has not fundamentally changed" (Home Office, 2010: 2), and expresses concern that over time the "Police have become form writers rather than crime fighters" (Home Office, 2010: 10). We will need to wait and see how far Scotland's policing principles are translated into practice, but the Police Reform Act does place a duty on the Chief Constable to take 'due regard' of these principles. In addition, the principles embody the idea of the police working in partnership with others, and the local police commanders will be under a duty to participate in community planning, a mechanism for bringing together different local agencies, including health, education, housing as well as policing, to agree on a shared set of outcomes for improving community well-being. It remains to be seen how exactly this network of engagement with local policing will work out in practice and the degree to which there will be a consistent approach across Scotland.

## 7.7 CONCLUSIONS: CAUTIONARY TALES

The creation of the new PSS on 1 April 2013 will mark the most radical change in the history of policing in Scotland for over 100 years. While this could be interpreted as simply the end point of a long process of 'creeping centralism', such a conclusion oversimplifies what is a more complex set of changes. On the one hand, establishing a national force under the control of a single chief constable and accountable to a new national body (the SPA) made up of members appointed by Scottish Ministers creates an unprecedented level of centralization in relation to the operation and strategic development of policing in Scotland. Combined with stripping locally elected councillors of their traditional roles in setting local police budgets and appointing chief officers, these developments raise significant questions about the emergence of a democratic deficit in relation to police governance. On the other hand, local policing is now a statutory requirement and will occur at the level of the 32 local councils with local police commanders under a legal duty to consult with their local council over the local policing plan and to participate in community planning at a local level. All local councillors, rather than the handful appointed to a police board, will also have the opportunity to participate in a formal relationship with the local police commander, and councils are being given the freedom to determine what form that relationship takes. This combination of enhanced centralization with a new localism does, however, bring with it risks of serious tensions between the national and local levels. It is unclear, for



example, what would happen if a local council refused to endorse the policing plan of their local commander or if a local commander was unhappy with the allocation of resources provided to the local area by the chief constable. There also appears to be confusion around whether the process of developing local policing plans is meant to follow a 'top-down' approach which begins with national policing priorities, or a 'bottom-up' approach based around consultation with local stakeholders.

There are also significant implications for those working within the police service. The Government's commitment to not reducing the numbers of officers below the figure of 17,234 that existed at the beginning of the reform process might be politically expedient, but disguises important changes that will occur in roles and responsibilities as a result of reform. Civilian police staff do not have the same protection, and it is likely their numbers will be significantly reduced as budget cuts take effect. The result will be to undermine the progress on workforce modernization over the last 10 years that has attempted to create a more flexible mix of sworn and non-sworn police personnel, so that tasks not requiring police powers were undertaken by civilian staff. It is highly likely, therefore, that some police officers will be required to return to so-called back office functions, reducing the numbers available for 'front-line' duties. Another significant change will be the radically reduced opportunities for promotion within the new national force. There will no longer be a need for a chief police officer organization (ACPOS) because their numbers will be reduced from over 40 to less than 10, and with just 32 local commanders and one national headquarters the number of senior management ranks of Superintendents is also likely to be significantly reduced. For those joining the new PSS, the landscape of career opportunities and promotion will look very different to what it did in the past.

Will the public notice any difference in the service provided by a national force compared with a regional model? It will take time to assess this although the evidence from other countries (see Holmberg and Balvig, this volume) suggests that there are risks that satisfaction with policing may decline initially. Similarly in terms of police performance, there will be a need to track changes in indicators such as recorded crime, detection rates and response times. Looking across the public sector to the impact of structural changes on performance in other areas, however, is not encouraging. As Braithwaite *et al.* (2005) note in relation to health services that have experienced mergers and an 'altering the responsibilities between central and peripheral bodies':

The evidence for [restructuring] making a difference, let alone demonstrably improving productivity or outcomes, is surprisingly slender. [...] In truth, there are no randomized trials, no longitudinal studies of multiple restructuring events or time series designs and little scientifically acceptable cross-sectional work. [...] Where there are studies, they challenge rather than support restructuring.

Such conclusions are echoed by other studies of the health sector. Research into 25 UK National Health Service trusts merged between 1996 and 2001 found evidence of negative effects on the delivery of services because of a loss of managerial focus on services. According to Fulop *et al.* (2002):

Mergers brought about a period of organizational restructuring and intensive introspection that set [trusts] back in terms of developments in the organization and services by at least 18 months. The amount of time needed for restructuring was underestimated by the people who initiated the mergers and those who implemented them.

These are cautionary tales of which policymakers and practitioners engaged in police reform would do well to take heed.

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