



Police Bill passes into law

June 2012

The Police and Fire Reform Bill passed the final stage of the parliamentary process on Wednesday 27 June.

There has been little in the Bill process that has changed our view that this is not the best way to organise the police service in Scotland. Policing should be subject to local democratic accountability and despite efforts to strengthen the local element; it remains a centrally directed service in this Act.

The issue of [VAT liability](#) highlights this point. Despite the misleading Policy Memorandum to the Bill, it was clear from the outset that the proposed structures would not qualify for an exemption. This will cost the police service some £24m. We could have a single police service established as a local government joint board, funded through a precept and retain s33 status. Of course that would mean less direct ministerial influence, but it would strengthen local democratic accountability and stop a handout to the Treasury.

There are some positive developments in the Bill.

- We secured an amendment to the outdated provisions in relation to the role of police staff (s26). Police staffs are no longer just 'assisting constables', but exist in their own right.
- Police staffs are now included in the assault offences (s87), a much stronger provision than the 'assisting' provisions in the Emergency Workers Act that didn't cover all police staff.
- PCSO's also no longer 'assist constables' (s28). However, we believe the certification provisions (s29) are not Human Rights Act compliant. We will consider a legal challenge if any Chief Constable applies these provisions outwith the agreed disciplinary procedures.
- We achieved some clarification on staff transfer provisions and TUPE provisions will now apply in full. This was despite the minister giving the committee a factually incorrect statement that TUPE doesn't apply in the public sector.
- Staff will also retain membership of the Local Government Pension Scheme.

Overall this centralising reform is driven entirely by cost savings that have not even been detailed in a proper business plan. In particular, the de-civilianisation of the force will take it back to the inefficient days of the 1970's. Like [Life on Mars](#) or The Sweeney – fun TV fiction, but not a model for a modern police force.

De-civilianisation

While this issue isn't covered explicitly by the Bill, it remains the key challenge facing the new force. Maintaining an artificial target of police officers, within the budget cuts, will result in the loss of up to 3,000 police staff roles. Hundreds of police officers are already being taken off the street to back fill police staff jobs and this will rise further once the plan is completed. There was a full debate on this issue in Parliament on [17 May](#) thanks to a Scottish Labour motion.

Substituting officers for staff cannot possibly meet the best value provisions in the Bill. UNISON supports a balanced, modern police team, with the right skills and expertise for an effective police force. The new force should be able to set a balanced police staffing structure free from political direction on police officer numbers.



Privatisation

UNISON is also concerned that de-civilianisation will lead to the future privatisation of police services in Scotland despite the minister's assurances. The Bill in s26(2)(b) explicitly provides for the appointment of private contractors with the legal status of police staff. We can foresee an argument that the only way of maintaining the police officer target and meet best value requirements, is by the privatisation of significant police functions including custody and 999 calls.

Colleagues in England are facing an immediate threat of privatisation as the UK government wants police forces to sell contracts to the private sector to run policing services. A range of resource materials are available on the [Stop Police Privatisation](#) web pages. We will be asking Scottish political leaders to sign up to this campaign.

Organisational culture

A project is under way to define the organisational culture of the new force. This would include a statement of purpose and values for the Police Service of Scotland and to promote the identity of the new organisation. This could include the role of human rights, a Code of Ethics and the practical steps required to turn broad statements into practice.

Each existing force will be asked to bring together focus groups of staff to consider what staff value about their organisation and what their aspirations are for the new service. UNISON police branches should be consulted locally on how these are organised to ensure a representative cross section of staff are involved.

The new force should not simply incorporate the old ways of doing things. A Staff Governance Framework would be a positive step forward that sets out the fair and effective management of staff. Principles could include well informed, appropriately trained staffs, who are involved in the decisions which affect them and ensure that they are treated fairly and consistently. Now there is real culture change!

Useful UNISON police staff links

- [UNISON Scotland police staffs webpage](#)
- [Briefing on Police Reform Bill](#)
- [Evidence to Justice Committee](#)
- [Stage 3 MSP briefing](#)

UNISON Scotland's key campaigns

- [Public Works](#)
- [Protect Our Pensions](#)
- [UNISON Scotland website](#)