

FALKIRK COUNCIL

Subject: THE COMMISSION ON THE FUTURE DELIVERY OF PUBLIC SERVICES IN SCOTLAND FINAL REPORT AND CONSULTATION ON THE REFORM OF POLICE AND FIRE & RESCUE SERVICES IN SCOTLAND
Meeting: FALKIRK COUNCIL
Date: 5 OCTOBER 2011
Author: CHIEF EXECUTIVE

1. INTRODUCTION AND BACKGROUND

- 1.1 The Commission on the Future Delivery of Public Services in Scotland (the Christie Commission), published its final report on 29 June 2011. Following this, and consultation on the reform of the Police and Fire & Rescue Service, the Scottish Government has published its response and proposals.
- 1.2 This report will outline the main findings of the Commission's report, remind Members of the response submitted by the Council following discussion with Group Leaders and summarise the Scottish Government's response. It will also make reference to the latest consultation regarding Police and Fire and the arrangements for responding.

2. REFORM PRINCIPLES, PRIORITIES & RECOMMENDATIONS

- 2.1 Members will recall that the Commission's general remit was to:
 - Look across all public services;
 - Take stock of current progress whilst being clear on the challenges which lie ahead; and
 - Map a way forward on public sector reform which is mindful of Scotland's social principles and the ideals of public service.
- 2.2 In order to come to its conclusions, the Commission asked for written evidence, met with a range of groups and in a variety of areas and also organised a number of discussion events. In response to this, the Commission received over 200 written submissions and had around 100 meetings with users and providers of services.
- 2.3 The final report highlights calls for radical reform of Scotland's public services in both delivery and culture. It notes the unprecedented challenges to the public sector in terms of sharply reduced budgets and increased demand from a changing demography and social changes, which will place significant increases on the demands of public services. Evidence collated during the Commission's work suggests that the public sector system is often fragmented, complex and opaque.

- 2.4 The Commission's report establishes a set of key principles around which future public sector reform should be based, including:
- Empowering individuals and communities receiving public services by involving them in their design and delivery;
 - Integrating service provision and improving outcomes by the public sector working in partnership;
 - Prioritising preventative expenditure to reduce long term demand and inequalities; and
 - Improving efficiency to raise performance and reduce costs.
- 2.5 The Commission, in progressing its work, has established a number of priorities to guide the future reform of public services. These principles include:
- Designing services with and for communities, rather than delivered 'top down' for administrative convenience;
 - Maximising the use of scarce resources by all sectors to achieve agreed outcomes;
 - Working more closely with individuals and communities to understand their needs, talents, resources and levels of self reliance and resilience to determine how these might be best supported;
 - Concentrating service efforts on delivering integrated services which deliver positive results;
 - Prioritising preventative measures to reduce demand and lessen inequalities;
 - Identifying and tackling the underlying causes of inter-generational deprivation and low aspiration;
 - Tightening oversight and accountability of public services through consistent data gathering and performance comparison, with the aim of improving services;
 - Driving continuing reform across the public sector, based on better outcomes, improved performance and cost reduction; and
 - Improving long-term strategic planning, including greater transparency around major budget decisions like universal entitlements.
- 2.6 The Commission has made a number of specific recommendations to support the attainment of these priorities. Recommendations made include:
- Introducing a new set of statutory powers common to all public bodies, focused on improving outcomes with a presumption towards preventative action and tackling inequalities;
 - Embedding community participation in the design and delivery of services within the proposed Community Empowerment and Renewal Bill;
 - Developing a new Local Government Concordat focused on joined-up services with supportive funding requiring integrated provision;
 - Implementing more inter-agency based training with a view to eliminating the silo mentality and building a common public service ethos;
 - Devolving competency for job search and support to the Scottish Parliament to improve service integration and employability;

- Giving Audit Scotland a stronger remit to improve performance and save money across all public sector organisations. This would include merging the functions of the Auditor General and the Accounts Commission;
- Applying commissioning and procurement standards consistently and transparently to achieve competitive neutrality between public service suppliers; and
- Reviewing specific public services to make sure they do actually make a difference to people's lives in line with the reform criteria set out in the Commission's report.

- 2.7 In concluding on the report, the Commission stressed that work to reform public services needs to be urgent, sustained and coherent. It proposed an approach based on a thorough understanding of how public services could improve the quality of life and outcomes for the people of Scotland, while focusing relentlessly on driving out costs. In stressing the need for the Scottish Government to take the initiative on this, it also notes that any reform of organisational boundaries must be bottom up – based on the reality of delivering front line services and responding to communities needs and priorities – rather than top down or solely motivated by the desire to make savings.
- 2.8 The Commission also highlights the need to consider and discuss open and transparently contentious issues such as the continuation of universal entitlement.
- 2.9 Any proposals for reform must look beyond the current financial crisis and devise a model of public services that is both financially sustainable and is capable of meeting the significant longer term challenges society faces. It also notes that achieving a radical shift towards preventative public spending is likely to be controversial, but is considered by the Commission to be essential. The Commission challenges the Scottish Government and local authorities, along with other public sector partners, to initiate reforms with the goal being a thorough transformation of our public services noting 'the prize is a sustainable, person centred system, achieving outcomes for every citizens and every community'.
- 2.10 The Council provided evidence to the Christie Commission in February. This evidence was referred to in the Council's response to the Government's proposals for the Police and Fire services. In addition, a meeting was organised for Group Leaders and the Chair of the Commission.
- 2.11 Central to the Council's submission was the framework promoted by CoSLA, which suggested reform in Scotland should take place having regard to the following principles:
- Reform should be framed in terms of the improvement of outcomes;
 - Reform should look at the whole of the public sector, not just one element;
 - Reform should be based on robust evidence and a business case that generates community benefit; which implies local integration rather than central aggregation;
 - Reform should not focus on structures and boundaries to the exclusion of other issues relating to finance, policy, systems and governance; and
 - Local democracy and accountability should be at the heart of the reform process and should be enhanced by reform rather than be diminished.

- 2.12 CoSLA had already noted its support for the findings of the Commission and has announced that it will be moving forward with the following issues:
- Work to strengthen Community Planning and make it more accessible to communities;
 - Focus more expenditure on early intervention rather than solving problems that have already occurred;
 - Continue with sectoral reform that has already been started; and
 - Benchmark improved performance to ensure best practice is shared.
- 2.13 The Scottish Government has very recently published its response to the Christie Commission's report. This is attached to this report as Appendix 1 and notes the Government's priorities in this regard over the coming months and years. It notes priorities under a number of headings including:
- Prevention;
 - Integrated local services;
 - Workforce and leadership; and
 - Improving Performance.
- 2.14 It is anticipated that each of the key priorities will be subject to future consultation and discussion, as has been the case with the proposals on the reform of the Police and Fire & Rescue services.

3. REFORM OF THE POLICE AND FIRE & RESCUE SERVICE

- 3.1 Following the recent consultation on the reform of both Police and Fire & Rescue Services in Scotland, the Cabinet Secretary for Justice announced on 8 September that it was the Scottish Government's intention to prepare legislation to create single national organisations for both services. Subject to the approval of the Scottish Parliament, the earliest expected date the new organisations will be established is 1 April 2013.
- 3.2 The Scottish Government has issued an integrated consultation document (Appendix 2) providing more detail on how the new single Police and Fire & Rescue organisations will function and be held accountable. This report will provide a brief overview highlighting some of the key proposals and issues regarding both services, arising from the consultation document. Responses to the consultation are required no later than 2 November 2011.

Summary of Key Proposals

- 3.3 In setting out proposals to create single national organisations for the Police and Fire & Rescue Service, the Scottish Government puts forward a small number of principles upon which reform will be based. These include:
- Protecting and improving frontline services for local communities by reducing duplication in supporting areas like payroll and HR, and delivering services such as roads policing in different ways;
 - Keeping communities safer by providing more equitable access across Scotland to specialist support, expertise and national capacity when it is needed;

- Strengthening the links between Police and Fire & Rescue Services and the communities they serve through locally elected members, creating a new direct relationship with each of Scotland's 32 local authorities rather than regional Joint Boards and improving partnership working with other agencies; and
 - Providing clearer national governance for national issues and national delivery.
- 3.4 The Scottish Government has stressed how the proposals made within the consultation align with the principles set out by the Christie Commission and locally with Community Planning, service integration and partnership working.

Purpose

- 3.5 The consultation proposes modern outcomes based purpose statements, which will encompass a small number of broad strategic principles and reflects the provision of services in the 21st century. These will encourage a policing focus on “improving the safety and wellbeing of individuals, families and communities by prioritising preventative action to address the causes of crime, disorder and danger” and contribute to local outcomes, such as for education and health. Similarly, for the Fire & Rescue Service, the Scottish Government proposes a focus on prevention, protection and response and working in partnership with other sectors.

Functions and Oath

- 3.6 The Scottish Government propose to retain all of the duties currently placed on police constables under the 1967 Act, but may use more modern language, such as for the oath taken by constables. For the Fire & Rescue Service, the Scottish Government propose to retain existing functions but place these within the context of improving outcomes, promoting community engagement, prevention and partnership working. The consultation continues to promote the idea of using fire stations as community resilience hubs.

Structural Proposals & Key Features

- 3.7 The Scottish Government propose bringing together the eight existing police forces, the Scottish Police Services Agency and the Scottish Crime and Drug Enforcement Agency, into a single Police Service led by a Chief Constable and accountable to a new Scottish Police Authority (SPA). This would also encompass national collaborative arrangements. It is also proposed that certain functions such as forensic services and the management of the Scottish DNA database will report direct to the SPA, independent of the Chief Constable.
- 3.8 The Scottish Government propose to bring together the current eight Fire & Rescue Services within one national organisation. Specialist resources, the Firelink communications system and the Scottish Fire Service College would all fall within the remit of the new arrangements.
- 3.9 The following chain of governance is promoted to oversee the running of the new organisations at both national and local level. This will include:
- Scottish Ministers;
 - The Scottish Police Authority and a single board for the Fire & Rescue Service;
 - The national Chief Constable and a Chief Fire Officer;

- Local Councils, with the involvement of more Elected Members; and
- Designated local senior officers for each Council area.

3.10 It is envisaged that Scottish Ministers will:

- Appoint the chair and members of the Scottish Police Authority and the Fire Board;
- Set a budget for each Service;
- Set high level strategic objectives for the SPA and the Fire Board. In the case of the Fire & Rescue Service, the Fire Framework would be utilised for this purpose;
- Set out the overarching performance management framework;
- Approve the SPA and the Board's strategic plans;
- Approve chief officer appointments; and
- Have a power of direction, although it is noted that this will rarely be used and only if the need arises.

The Scottish Police Authority

3.11 It is proposed that the SPA will comprise no more than 11 members and they will collectively govern the service and hold the Chief Constable to account, as follows:

- Produce and publish a Scottish Policing Plan;
- Approve an annual delivery plan and associated budget;
- Monitor performance on the Scottish Policing Plan;
- Being able to appoint and dismiss the Chief Constable and other senior officers;
- Publish an annual report and accounts; and
- Monitor and scrutinise complaints.

The Scottish Fire & Rescue Service Board

3.12 A Scottish Fire & Rescue Board will be established to oversee the annual budget and the transformational change of the service. It is envisaged that the Board's main roles will encompass:

- Maintaining an effective and efficient service performance;
- Producing and publishing a risk based national strategic plan, taking account of the Fire Framework;
- Approving an annual delivery plan and budget;
- Holding the Chief Fire Officer to account for performance against the plan;
- Appointing and dismissing the Chief Fire Officer and ratifying his / her appointments at principal officer level;
- Publishing an annual report and accounts; and
- Monitoring and scrutinising complaints.

The Chief Constable and the Chief Fire Officer

3.13 Under the proposed new arrangements, the Lord Advocate and Procurators Fiscal will continue to have responsibility for the direction of criminal investigations, with the Chief Constable reporting to the Lord Advocate on these matters. Both the Chief Constable and the Chief Fire Officer will have a duty to participate in Community Planning to

ensure the effectiveness and integration of local policing and fire services. In addition to this, the Chief Constable / Chief Fire Officer will:

- Lead and manage their respective services;
- Be accountable for the actions and performance of their service;
- Produce and publish an annual delivery plan and associated budget in support of strategic plans;
- Publish performance information against the annual plan;
- Appoint a senior management team to be ratified by the Police Authority/ Fire Board;
- Designate a senior local commander / officer for each local Council area; and
- Be responsible for delivering on both local and national outcomes, the efficient use of resources and for securing Best Value.

Relationship with Councils

- 3.14 The consultation envisages a strong relationship between Councils and their local senior officer in both the police and the fire service. This will be expressed through the joint development of local delivery plans for police and for fire. Councils may be able to facilitate local accountability either through an existing or a new committee. In addition, each Council will have the right to:

- Formally comment on the local delivery plan;
- Monitor and scrutinise performance on the local delivery plan and bring forward proposals on how performance can be improved and particular issues be addressed by the Police, the Fire & Rescue Service, the Council and other agencies;
- Seek reports, answers and explanations from the local commander about the plan and other policing issues and, where necessary, raise issues with the Chief Officer and the Scottish Police Authority / Fire Board; and
- Monitor and scrutinise complaints.

The Role of Local Senior Officer

- 3.15 The Scottish Government propose the rank eligible for local senior officer may vary according to their span of control. They will have a significant level of delegated authority for local service delivery and in making a significant contribution to the attainment of local outcomes. The envisaged responsibilities for the local senior officer include:

- Preparing, for Council agreement, the Local Policing / Fire Delivery Plan. Subject to mutual agreement, the local plan could be integrated with wider plans such as the Community Plan or the Single Outcome Agreement;
- Publishing the plan and performance information against it;
- Being the lead officer on behalf of the Chief Constable / the Chief Fire Officer for the Service's role in Community Planning and the first point of senior contact for local councillors and partners;
- Allocating local resources and seek resources from the Chief Constable / the Chief Fire Officer to deliver each of the local Delivery Plans; and

- Providing reports to and answering questions from the Council on performance against the plan and other issues bearing on the safety and wellbeing of local communities.
- 3.16 It is proposed that the Scottish Policing Plan, the Fire Framework and strategic plan, will be signed off by the Scottish Parliament. The chair and members of the National Police Authority / Fire Board, the Chief Officers and other senior officers may be required to give evidence to parliamentary committees.
- 3.17 The current range of funding sources for each Service will be brought together under one funding stream for each Service, which will be approved by the Scottish Parliament. From this, a budget will be set by the relevant Scottish Minister for the Scottish Police Authority and for the Fire Board.
- 3.18 Inspection of the police service will continue to be undertaken by HMICS. The Fire & Rescue Service would continue with an enhanced Scottish Fire & Rescue Advisory Unit, led by the Head of Unit, the Chief Inspector of Fire & Rescue Authorities. The audit of the Scottish Police Authority and the Service will transfer to the Auditor General. Further options are outlined on the scrutiny of cases and on independent custody visits. These latter matters require professional input and comment.
- 3.19 The new Scottish Fire & Rescue Service will have local, regional and national obligations for the promotion of fire safety.
- 3.20 All current police officers, fire fighters, officers and support staff in place immediately before the establishment of the new service, will transfer to the new organisation on the same terms and conditions. Police officers, fire fighters and officers however, may be required to operate anywhere in Scotland.

4. CONSULTATION

- 4.1 The attachment at Appendix 2 provides the consultation and response pro-forma issued by the Scottish Government. It is proposed that Members consider the contents of the Government's proposals and then submit views to Officers who will consolidate them into a single Council response. It is then proposed that the draft response be circulated to Group Leaders for approval prior to submission. Given the timescale for responding to the consultation, Members would have to provide comments to myself no later than 26 October 2011.
- 4.2 The Government has asked that we provide views on the following key issues:
 - The proposed purpose of the new organisations;
 - The range of functions and scope of the new organisations;
 - How we locally align with the new structures;
 - The composition of and appointments to the new national boards;
 - Responsibilities, governance and accountability of the boards, chief and senior officer levels within the new organisations;
 - The proposed consolidated funding and financial accountability arrangements;
 - Inspection and audit arrangements;

- Arrangements for handling complaints and in the case of the police, independent custody visits;
- Transfer arrangements for officers and staff, as well as proposals for new officers to work anywhere in Scotland; and
- Any other matters we should comment on.

4.3 It would be helpful if Members provided comments on the pro-forma attached in appendix 2. It would be appropriate on this important issue if Members also wanted to provide comments directly to the Scottish Government.

5. CONCLUSIONS

5.1 The proposed changes to the Police and Fire & Rescue services are of major significance to the public sector in Scotland. They come at a time when all public services are under scrutiny and challenge. Members may want to consider the proposals for Fire and Police against the findings set out in the final report from the Christie Commission.

5.2 In concluding on the report, the Commission proposed an approach based on a thorough understanding of how public services could improve the quality of life and outcomes for the people of Scotland, while focusing relentlessly on driving out costs. In stressing the need for the Scottish Government to take the initiative on this, it also notes that any reform of organisational boundaries must be bottom up – based on the reality of delivering front line services and responding to communities needs and priorities – rather than top down or solely motivated by the desire to make savings

5.3 We must ensure that, whatever structures are finally adopted by the Scottish Government, the delivery of the services and accountability to local communities remain paramount. This will ensure that we continue to focus on our local outcomes while contributing to the overall national safety priorities.

6. RECOMMENDATIONS

It is recommended that Members:

- 6.1 **Note the Scottish Government's response to The Commission on the Future Delivery of Public Services in Scotland as set out in Appendix 1;**
- 6.2 **Note the consultation on the reform of Police and Fire & Rescue Services in Scotland and the key issues we are being asked to respond on, outlined at paragraph 4.2 and contained within Appendix 2;**
- 6.3 **Consider and provide comments on the consultation to myself no later than 26 October;**
- 6.4 **Agree that the draft response be circulated to Group Leaders prior to submission to the Scottish Government; and**
- 6.5 **Note that further reports on these matters will be brought to Members as more detail emerges.**

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CHIEF EXECUTIVE

Date: 21 September 2011

Ref: ABK1011AW – Police.Fire Consultation #2

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LIST OF BACKGROUND PAPERS

- 1. Keeping Scotland Safe and Strong - A Consultation Document on the Reform of Police and Fire & Rescue Services in Scotland:
<http://www.scotland.gov.uk/Resource/Doc/357969/0120973.pdf>

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506046 and ask for Andrew Wilson.