

Commission on Justice in Wales
Oral Evidence Session
14 February 2019

Present:	Commission members	Secretariat team
Chief Constable Iain Livingstone, Police Scotland (IL)	Lord Thomas of Cwmgiedd, Chair Simon Davies Dr Nerys Llewelyn Jones Sarah Payne CBE Professor Peter Vaughan Sir Wyn Williams	Andrew Felton, Secretary to the Commission Dave Gordon Rhys Thomas
Question area: Smaller jurisdiction how is police independence maintained		
<ul style="list-style-type: none"> • The issue of police independence in Scotland has been tested on several occasions. A current example is the criminal investigation of the former First Minister. The level of interest in this investigation is extremely high and is a very recent example of Police Scotland's operational independence and accountability. The independence of the Chief Constable must almost be quasi-judicial. • The level of interest and scrutiny on a single Chief Constable as opposed to the eight previous Chief Constables has been intense and is far higher than we had envisaged. This has caused issues with resources because of far more press, media and communication work. We were previously poor on the communication side but this has improved due to extra resources. Policing has become the focus of daily political scrutiny and commentary. The timeframe for the creation of Police Scotland was very compressed for various political reasons. • The threat to operational independence is greater when there is one Chief Constable as opposed to eight. Proper governance mechanism is needed with no direct relationship with a minister. There was a direct relationship in the Republic of Ireland which caused governance issues and to address this they created an independent police commission as a buffer between the Chief Constable and government modelled on the Scottish arrangements. There needs to be a model of governance in place and a buffer between the Chief Constable and the government. • The Chief Constable in Scotland has no say in prosecution. The Lord Advocate can direct the police to investigate. The police would not arrest a high profile individual without consultation with the prosecution. • The previous governance arrangement of the Republic of Ireland was helpful to consider because of what happened with some low level corruption involving the police and politicians. The police authority is meant to hold the Chief Constable to account and report back to government. The authority in Scotland in the early years did not have enough of a buffer but the capacity of the authority has increased. We have never had Police and Crime Commissioners in Scotland. Before 2011/2 the policing model in Great Britain was very similar for about 30 years with police authorities and Chief Constables. The creation of Police and Crime Commissioners in 2011 and a single force in Scotland in 2012 caused a significant divergence. England and Wales has gone for an excessive localised model with one individual occupying the space of the police authorities whilst Scotland has been seen as too centralised and policing can be seen as remote in some communities. • I sit on the sentencing council and meet Lord Carloway on a twice yearly basis. The relationship with the judiciary is good but there is a line of independence that we all recognise. I find that the judiciary in Scotland is supportive of policing and on a personal level I know if I needed I could go for support from them for an intervention to maintain my independence but this has not happened. If I had an issue with Scottish Government my first port of call would be the Lord Advocate. 		

- In the single police force we have a local scrutiny panel at every local authority. Therefore there are more local elected representatives scrutinising policing now than before the one force. There is a local scrutiny panel that holds the area police commander to account on a bi monthly basis. The commander will be under political pressure at the local panels about number of police officers in the area but this is mitigated by the fact that a lot of work is done on a national basis. There is no evidence of political pressure for corruption.

Question area: The benefits of having one police force in Scotland

- The positives of having a one police force in Scotland are the equity, quality and standard of services. There was no rationale for the eight services and their sizes and capabilities differed greatly. The divergence of services between the eight forces was extreme. When a critical incident did happen in a remote part of Scotland the response was weak and that affected public confidence. We can now operate to a higher consistent quality across Scotland. There are greater career opportunities for police officers especially within specialist departments. It is easier as one force to deal with international bodies as we have an international bureau and a national intelligence bureau. We have saved £200 million whilst maintaining officer numbers. Since 2008, we have grown in strength by around 1000 officers whilst England and Wales have decreased in numbers by 20,000. We have managed to maintain and improve services in key areas.
- The downside is the perception of centralisation. We should have discussed more with external bodies but a lot of this was to do with the tight timeframe. We need to recognise cultural attachment to some of the old police forces and the merger could have been handled with more sensitivity.
- Operationally I can't see any negatives to having one force. We are much more agile and focussed on priorities. There is a virtual service centre that can deal with incidents across Scotland. Before the merger, systems did not communicate with each other but now the operational capability has been massively enhanced. Previously we had 10 separate area control rooms, which couldn't communicate with each other. We now operate with three and any call in Scotland will be dealt with on the same system. We are now in a phase where we are beginning to see some of the benefits. We have given a good pay settlement to officers and staff and we are focused on wellbeing.
- We did not maintain localism within the single structure as well as we should. Consistency and conformity were valued before localism. This needed to be imposed as there were quality issues in different forces but now with more stability we can re-introduce some of the localism. There is nothing wrong with having Police Scotland and a local brand such as Police Shetland. I think we can get different delivery services and partnerships in different areas as the issues are different. I am looking to introduce a much more devolved service. We are building upon legacy and we are working with retired police associations to make sure they feel included within the one force.
- The retention of the 43 police forces in England and Wales will not have the effectiveness that Police Scotland has managed. The collaboration between the forces appears to be unravelling. In Scotland we have moved the structural impairments and the structural foundations are strong enough to allow us to recognise local identity.
- The headquarters of Police Scotland is based near Stirling where the Policing College is based. It was deliberate that the headquarters was not based in one of the two large cities.

Question area: Cross border arrangements with other police forces and UK wide agencies

- We have the Scottish Crime campus outside Glasgow which was set up in 2013 and now houses 19 organisations including the Ministry of Defence, British Transport Police, the National Crime Agency (NCA), HM Revenue and Customs, Home Office Immigration Enforcement and Scottish Police Authority Forensic Services. They sit and operate together. The organisations were happy to be involved. The single service can look

outwards even more and we are more engaged now with international partners. We are more integrated with UK and international bodies. A single service can engage far more with these bodies than the eight forces could do.

- We are not members of the College of Policing. However, the best way to protect the policing in Scotland is to work together on a UK basis. We benefit from expertise across the UK and we will also contribute to other areas. We continue to operate on a UK standard. Operationally, I want to maintain a role in the UK wide mechanism. Most of the mutual aid will be in a specific area such as counter terrorism. This is underpinned under the Police Act and in protocols in areas such as counter terrorism. We receive money for this. I have about 40 detectives (in total) in London due to the demand on counter terrorism. We get paid for them and they receive experience.

Question area: Current governance arrangements in Scotland to ensure accountability

- My primary accountability is to the Scottish Police Authority. This has not been well understood in the past but this is changing. In terms of priorities Scottish Ministers can set priorities but the strategic plan is set by the authority in conjunction with Chief Constable. As Chief Constable I am required to do an annual police plan and a plan for all the local authorities. The local plans can include local authorities, health and other bodies. I have to consult with local authorities before a Commander is appointed and I am accountable on a monthly basis to the Scottish Police Authority. For me to be sacked by the authority there are proper safeguards and conduct hearings.
- It is not greater scrutiny of local policing we need but better local scrutiny of all areas of policing. The relationship with local authorities has improved. There are networks within local authorities where the Chair of the Police Authority and I meet local politicians. There are much more elected members engaged with policing now than under the eight police force.
- I have had discussions with government ministers and the Police Authority about the need for operational independence. It is crucial that operational decisions are mine but that I am held accountable.

Question area: Which UK wide functions should remain reserved

- Wales would want to benefit from UK wide agencies as Scotland and Northern Ireland does. There is no need for Scotland to create institutions which already exist such as the NCA and UK counter terrorism structures. To become a Chief Officer in Scotland you need to follow the same standards as the rest of the UK. Wales should still be part of that training. The voice of Scotland policing is now louder as we are the second largest force after the Metropolitan Police. We have the benefit of UK institutions but we can also influence them.
- Apprenticeships are being used in Scotland but we do not have direct entry and we do not seek to do this. I have a firm view that policing should not be a graduate vocation and should be as diverse as possible. Everybody enters as a Constable and this underlines the importance of that rank.

Question area: Large Scottish police force maintain local accountability

- Because of Scotland's history and geographical location it is very different from Wales. Wales has stronger links to England due to border and the greater number of commuters across the border. I do not think the retention of the 43 forces will work structurally and won't provide the necessary efficiencies. The structural changes of our force work in that they allow us to have the Police Scotland brand but also having a local identity.