

**Lifting the veil: A study of Police Boards in Scotland  
reflecting on Policing Governance and the  
Scottish Police Authority**

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**A thesis submitted in fulfilment of the requirements for the  
Degree of Doctor of Philosophy**

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## Legislation

# Legislation

Edinburgh Scotland Town Orders 1688

Glasgow Police Act 1800

Metropolitan Police Act 1829

General Police Act (1833)

The County and Burgh Police Act 1856

General Police Act (Scotland) 1857

The Burgh Police (Scotland) Act 1892

The 1964 Police Act

The Police (Scotland) Act 1967

Local Government (Scotland) Act 1973

Royal Canadian Mounted Police Act (1985)

Local Government etc. (Scotland) Act 1994

The Police and Magistrates Act 1994

The Scotland Act 1998

Police (Northern Ireland) Act 2000

Police Reform Act 2002

Local Government (Scotland) Act 2003

Railways, Transport and Safety Act 2003

The Energy Act 2004

The Police (Scotland) Regulations 2004

Garda Siochana Act 2005

The Police, Public Order and Criminal Justice (Scotland) Act 2006

Companies Act 2006

Criminal Justice (Scotland) Act 2006

Policing Act (2008) New Zealand

The Police Reform and Social Responsibility Act (2011)

Police and Fire Reform (Scotland) Act 2012

Glossary  
**Glossary**

ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers Scotland
APA	Association of Police Authorities
BE	British Energy
BNFL	British Nuclear Fuel Limited
BP	British Petroleum
BTPA	British Transport Police Authority
CEO	Chief Executive Officer
Cipfa	Chartered Institute of Public Finance Accountants
CNC	Civil Nuclear Constabulary
CNPA	Civil Nuclear Police Authority
COSLA	Convention of Scottish Local Authorities
CPP	Community Planning Partnerships
ESRC	Economic and Social Research Council
HMCIC	Her Majesty's Chief Inspector of Constabularies
HMCICS	Her Majesty's Chief Inspector of Constabularies Scotland
HMIC	Her Majesty's Inspectorate of Constabulary
HMICS	Her Majesty's Inspectorate of Constabulary for Scotland
ICP	Independent Commission on Policing
ICT	Information and Communications Technology
KPI	Key Performance Indicator
MDP	Ministry of Defence Police
MDPGAOAB	Ministry of Defence Police and Guarding Agency Owners Advisory Board
MoD	Ministry of Defence
NHS	National Health Service
NPIA	National Policing Improvement Agency
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PACE	Police and Criminal Evidence Act 1984



## Glossary

PCCS	Police Complaints Commissioner for Scotland
RCMP	Royal Canadian Mounted Police
SCDEA	Scottish Crime and Drugs Enforcement Agency
SIPR	Scottish Institute for Policing Research
SNP	Scottish National Party
SOA	Single Outcome Agreements
SOLACE	Society of Local Authority Chief Executives
SPA	Scottish Police Authority
SPACF	Scottish Police Authority Conveners Forum
SPPF	Scottish Policing Performance Framework
SPSA	Scottish Police Services Authority
SPT	Sub-committee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SWOT	Strengths, Weaknesses, Opportunities and Threats
UKAEA	United Kingdom Atomic Energy Authority

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## **Preface**

### **Personal Introspection**

In preface to this thesis I would suggest it is appropriate to briefly reflect on what the whole experience has taught me about research and about myself.

As a mature student, I have completed occupational and educational related research projects in several different guises including a Master's research project. As such, I perhaps naively felt that I was quite well acquainted with the research process. My pre-PhD understanding was that when people commenced a PhD it was usually following undergraduate or Post-graduate edification which had developed or suggested an area for further research. However, like many other students, my PhD was sponsored by the ESRC and the Scottish Government who provided research questions for me to answer. Rather than work progressively throughout the PhD I found that the pre-set question meant that research was in a sense commencing by going backwards to find a reason for the research questions before looking for an answer. This meant that, rather than moving forward and progressing with the research, the first year seemed often frustratingly slow as though no progress was being made.

However, this gave me the opportunity to, and made me, examine the full remit of the research in far more depth than any research I had undertaken previously. This involved examining and explaining why the research was chosen, what I proposed to discover, how I planned to do this and my reason for doing it that way. This also included an analysis of what methods I proposed to use and why. The examination of results also taught me to examine and question findings in more depth. Overall, I found that the PhD research taught me and confirmed the need to look at all areas of the research with depth, scrutiny and analysis.

Of course, it was not just the research itself that was part of the experience of learning from conducting the PhD. I also found that I had to acquire new skills to enable me to

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carry out collection and analysis of data. This included, amongst other abilities, IT skills, including the learning of data analysis programmes such as SPSS and NVivo. In addition to skills such as these, the project also called for me to further develop expertise in designing, conducting and analysing both survey and interview research. The on-going learning process brought with it the recognition that this learning throughout the PhD is not the completion of learning in the field of research but part of a continuous personal and professional development to meet needs as they grow. This continuous development along with experience and understanding is to be carried forward to future endeavours.

I found the development of the research itself rewarding with an evolution of learning as I negotiated the project. On commencement of the project I had a little understanding of Police Boards which was in general on a superficial level. As the research progressed, particularly during the period of my literature review, I developed a much deeper understanding and knowledge of Police Boards in Scotland which was further extended through my subsequent research and analysis. New knowledge was generated which was not only relevant to answer the research questions but I also personally found very interesting. In addition to this I was surprised to find myself delighted that this knowledge was also of interest to others.

During my previous research I have spent a lot of the time engaged in research which required working alone. In particular the Master's Degree entailed working alone, on a research project for a year. However working towards a PhD was a much more challenging experience. The project involved working alone on the research for close to four years. Many commentators have put forward that this can be a very lonely process. From my own research experience I can understand this impression; however as a married, mature student I would describe the process as a very singular expedition rather than lonely. I did find many occasions that I could not see an end in sight to the research however these were times when I just had to put my head down and work on with a determination to get through to the end.

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The main challenge that I found was the process of gathering, transcribing and analysing interviews. Challenges encountered in the process of obtaining the interviews included the constraints of time for travelling and taking interviews, access for interviewees, and transcription and analysis of the interviews; all of which proved to take a lot more time to complete than initially expected. In retrospect perhaps a smaller number of interviewees may have been a more suitable target than the 49 completed. I have to admit that I am not the most proficient typist, and found that transcribing interviews took two to three days each. For almost 50 interviews this amounted to around six months of transcribing alone. Adding on obtaining interviews, coding and analysing data; the interview process itself accounted for over a year of research. This was a period of time that I was collecting and reviewing data continually yet not really feeling I was getting any closer to answering the research questions. This work required me to maintain focus on the desired outcome and impose fortitude on my continued data organisation. On the other hand I did find the process of interviewing the stakeholders and obtaining their thoughts very interesting and rewarding.

Another difficulty that arose was due to technical difficulties with the recording device whereby batteries in the device expired and the recording was terminated. This difficulty was remedied by the use of better quality batteries, ensuring the charge of batteries and availability of additional batteries prior to the interviews. In addition, due to the nature of the research there were few available independent researchers identified with in-depth knowledge of the subject to assist with coding evaluation. An example of this was extended with the subsequent difficulty in locating an internal examiner for the project with in-depth knowledge in the thesis area.

I also have to briefly mention the effects that a period of ill health had on the project in addition to pre-existing health challenges that I had at the start of the PhD. In the middle of the project I was suffering from fatigue, difficulties with concentration, movement difficulties and eyesight problems. I was subsequently diagnosed with Multiple Sclerosis. As a result I took six months ill health suspension and rested and reorganised my life. I then returned to the project and engaged in it with a renewed

## Preface

outlook with regards overcoming the challenges of both the project and my health. A relapse of my health which affected my vision at the end of writing up process also interfered in the completion of the project. As a result the project has taken a little longer than anticipated. However I think even in good health the main attribute to succeeding in a PhD is to keep working at it, and that is what my intention has been.

Finally, I would like to share a thought echoed by many PhD students that I have spoken to. I recollect at the start of my PhD attending a compulsory introductory lecture when a student next to me commented on her worthiness to be undertaking a PhD. She said that she sometimes felt that the university had awarded her PhD to the wrong person and some day she would be found out. This exchange of concerns was enlightening to me at the time as it was good to know that someone else had similar doubts and concerns as I had. I would have to admit that throughout the PhD this concern remained in the back of my mind especially at times when the project seemed to have little forward momentum. The final process of writing up the project was another period of the project when the PhD seemed to go on infinitum. However as the completed thesis began to bloom I found that my own depth of knowledge improved as I analysed the data and critically discussed the findings. During this period these niggling thoughts faded as I could see the fruits of my work take shape into what appeared to me to be a PhD thesis. I conclude with optimism that the reader will be of the same opinion.

**University of Strathclyde**

**Management Science**

**ABSTRACT**

**Doctor of Philosophy**

**Lifting the veil: A study of Police Boards in Scotland  
reflecting Policing Governance and the  
Scottish Police Authority**

**By Philip Etherson**

There has been little research into Police Boards in Scotland. What research that has been conducted into police governance mainly relates to England and Wales. This thesis looks to answers four questions: Who are the Police Boards? How are the Police Boards in Scotland structured/managed? What are Police Board members and stakeholders perceptions of their Police Board duties and effectiveness? and, What lessons do the perceptions of practitioners provide for the future governance and accountability of policing in Scotland? The research was conducted during a period of change for Scottish policing and reflects these influences.

The research approach was one of critical realism. The research strategy addressed what Boards were, what they did and their effectiveness. Police Board minutes were examined and meetings attended gaining an insight into Board duties. Board members and stakeholders were identified and a profile questionnaire was sent to all members of all Scottish Police Boards. A good questionnaire response enabled the establishment of an insightful profile of Police Board members. 49 Police Board stakeholders were subsequently interviewed and their perceptions of Police Board duties obtained. Interviewees included 32 Police Board members, 10 senior police officers (including two Chief Constables), six senior police executives and one senior Scottish Government official.

The research found that the profile of the eight Police Boards in Scotland did not reflect the Scottish population, there was diversity in the work conducted by Police Boards and there were several areas where Police Boards in Scotland were not effective. The findings from the research were further examined considering a Scottish Police Authority offering relevant advice and guidance.

The research thereby provides a historical overview of pre-reform Police Boards in Scotland during a time of change, an independent overview of Police Boards and their effectiveness and provides advice and guidance for the future of police governance in Scotland.

## **Introduction**

### **1. Police Governance in Scotland**

The police are endowed with formidable powers to enable them to maintain the peace and preserve law and order on behalf of the public. In 2012 Police Forces in Scotland accounted for around £1.4 billion of the Scottish Governments expenditure and daily impacted on the lives of the public. Scholars such as Jones (2008) emphasise that there is a need to ensure that the power of the police is properly regulated in order that social order is maintained. There has been little research into the governance of policing in Scotland. What research that has been conducted on police governance has primarily looked at England and Wales.

Professional policing is often seen as starting with the Metropolitan Police in 1829 with governance of the police undertaken by the Home Secretary through two Justices who reported to him. Since then policing governance has developed mainly through legislation and case law. This has resulted in the modern form of police governance in England and Wales deriving from the 1964 Police Act whereby the overview of policing was shared between the Chief Constable, Police Authority and the Home Secretary.

The traditional view of this governance as put forward by Lustgarten (1986) is that the police should be answerable only to the law and the community and no one party should hold police control. The tripartite system of the sharing of police governance between Government, Police Authority and the Chief Constable ensured that no one party was in control of policing. In addition to this the edict of constabulary independence was enshrined by case law in particular in the Judgment by Lord Denning in *R v Metropolitan Police Commissioner ex parte Blackburn* [1968]. Constabulary independence assured that the police were answerable to the law and the law alone. However, commentators such as Donnelly and Scott (2010) argue that in the intervening time there has been an increase in the centralisation of the power over policing with, in particular, the Police Authorities having less control over policing



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than ever. In addition to this there is an indication from commentators there is also a question over the Police Authorities' ability and commitment to carry out their duties.

A concern over police governance is who the police are accountable to? Historically, the police have been seen to be from the people and accountable to the people and police by consent of the people. However, there appears to be little public awareness of Police Authorities/Boards. This therefore asks the question, how police Authorities can be accountable to a public that is not aware of them. The accountability of the police in England and Wales has in recent years been driven through managerial accountability mainly from Central Government through bodies such as HMIC and the Audit Commission. The police appear to have been under greater scrutiny from these organisations in the early 20<sup>th</sup> Century than ever before. Contemporary events in England and Wales include the replacement of Police Authorities with elected Police and Crime Commissioners. This is arguably something that will have the greatest impact on police governance in England and Wales in around 50 years.

In Scotland the changing dynamics of policing governance over the last 50 years, like England and Wales, has arguably reached a pinnacle. Scholars such as Walker (2000) and Donnelly and Scott (2010) point to what they see as centralisation of the power of police governance towards the Scottish Government. The merger of the eight Scottish police Forces into a single Scottish Police Service in April 2013 resulted in a fundamental change in the governance of policing in Scotland and undoubtedly provides the greatest change to policing in Scotland in modern history. The governance of policing in Scotland has, therefore, become an extremely important issue.

Other concerns have been raised over the ability of the Police Boards in Scotland to carry out their functions. Particularly from HMICS (2009-2012) Best Value reviews which questioned the Boards' influence and their ability to scrutinise, challenge and hold the Force/Chief Constable to account. Other than Donnelly and Scott there has been little independent research into police governance in Scotland. At a time of policing change in Scotland, a review of Police Boards in Scotland is an ideal

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opportunity to produce a pre-reform record of police governance. This thesis also examined the governance that was in place pre-reform of policing in Scotland and compared and explored the guidance that could be offered for the future of police governance in Scotland.

## 2. Police Boards in Scotland

As indicated above, this research was mainly conducted before the decision made by the Scottish Government for there to be a single Scottish Police Service commencing on 1<sup>st</sup> April 2013. The overview of Police Boards examines the governance of the eight Scottish Police Boards pre-reform. To avoid confusion when referring to Joint Police Boards, Police Authority and Police and Fire Committees in Scotland, this thesis mainly refers to them all by the historically accepted generic terminology of **‘Police Boards’** or **‘Board’** unless referring to an individual Board specifically. The use of the terminology Police Board also assists in the implementation of anonymity in the research.

At the time of the research the provision of a police service of Scotland was seen as shared between Scottish Ministers, Police Authorities and Chief Constables. This three way division of responsibility was known as the ‘tripartite system’ and each of the three parties’ responsibilities was set out in the Police (Scotland) Act 1967. The Scottish Ministers had the role to ensure that there was in place a statutory framework along with financial governance and the imposition of national policing priorities. The Chief Constable was responsible for operational policing and was the only one who had any say or responsibility for operational policing and could not be directed by neither Scottish Ministers nor the Police Authority with regards to such matters.

A Police Authority was a body which was required by statute under The Police (Scotland) Act 1967, Section 2(1). The Act dictated that it fell upon the Police Authority to ensure that the Chief Constable was given sufficient resources to guarantee that an effective and efficient police Force was delivered. There were 32 Local Authority areas in Scotland which formed the eight police service areas and

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each police service had its own Police Board. The police services were Central Scotland Police, Dumfries and Galloway Constabulary, Fife Constabulary, Grampian Police, Lothian and Borders Police, Northern Constabulary, Strathclyde Police and Tayside Police.

Each of the eight police services in Scotland had either a Joint Police Board or a Unitary Police Authority. A Unitary Police Authority was formed when there was only one Local Authority responsible for the respective police area. When there was more than one Local Authority for the police area, a Joint Police Board was formed. Scotland had six Joint Police Boards<sup>1</sup> and two Unitary Police Authorities<sup>2</sup>. In general terms the Police Board performed the functions of the Police Authority. The Council could allocate its relevant policing financial resources to the Police Board. A Police Board was in essence the Local Authority avatar for the tripartite system and had responsibility for providing a police service in the particular Force area.

The Local Authorities in each police area selected personnel who made up the Police Board for the police area. In Scotland only Councillors could be Police Board members. Police Boards were a corporate body which meant that the members of the Board were identified as the body and could act as the entity. The main functions of the Police Boards in Scotland were outlined in statute<sup>3</sup> and Government guidance<sup>4</sup> including, but not limited to: controlling the police budget, ensuring Best Value, the appointment and holding to account of senior police officers<sup>5</sup> and keeping aware of the way that complaints against the police were dealt with.

The governance of policing in Scotland has changed in recent years through events including the Police (Scotland) Act 1967 and tripartite implementation, the provision of two tier Local governance in 1973 and its subsequent removal in 1996, devolved Government in Scotland in 1999 and, of course, the formation of a single Scottish Police Service in 2013. In addition to these events there have also been numerous

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<sup>1</sup> Central Scotland, Grampian, Lothian and Borders, Northern, Strathclyde and Tayside.

<sup>2</sup> Dumfries and Galloway and Fife.

<sup>3</sup> The Police (Scotland) Act 1967.

<sup>4</sup> The Scottish Government (2007) *Guidance for members of Police Authorities and Joint Police Boards*.

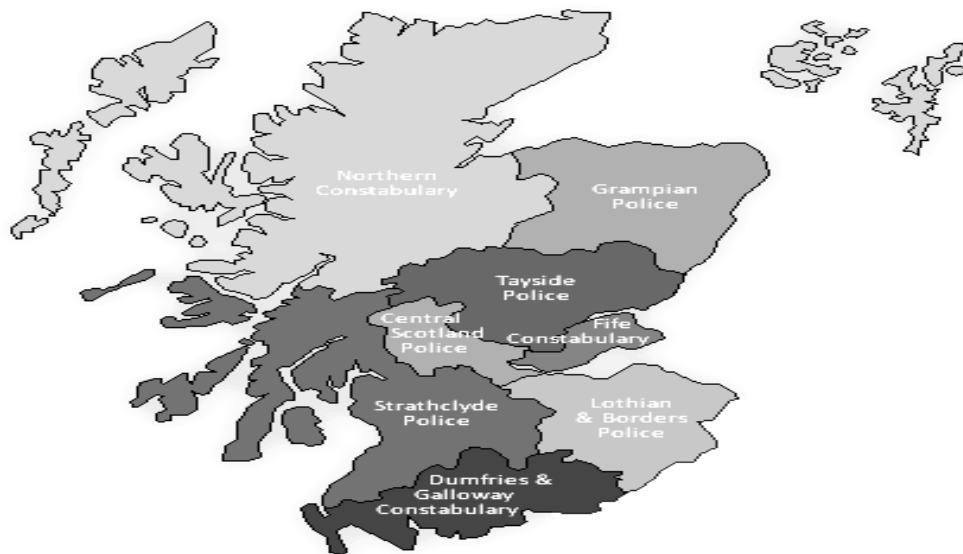
<sup>5</sup> Chief Constable, Deputy Chief Constable and Assistant Chief Constables.

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inspections and examinations which have undoubtedly had an effect on the governance of policing in Scotland such as HMICS Best Value inspections on Forces and Police Boards 2009-2012.

A map of the eight Scottish police service areas is shown in Figure A.1 below. Brief descriptive outlines of each police service area and Police Boards follows for information as an introduction to these eight Police Boards in Scotland.

**Figure A.1 Scottish Police Service Areas**



<http://www.scottishpolice.info>

### Central Scotland Police

The Central Scotland Police area lay, as it suggests, in the central belt of Scotland and bordered Strathclyde to the west, Lothian and Borders to the east and Tayside and Fife to the north east. The police area covered an area of 1024 square miles and had a population of over 281,000. The police area covered the Local Authority areas of Falkirk, Stirling and Clackmannanshire<sup>6</sup> all of which, combined, provided the Councillor members for the Joint Police Board. The area covers a variety of policing needs and is, perhaps, a model of Scottish policing requirements in miniature. Perhaps

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<sup>6</sup> Central Scotland Police website: <http://www.centralscotland.police.uk/about/index.php>.

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a unique policing requirement for the area is the presence of petrochemical complex at Grangemouth which has both an economic and political relevance.

The Central Scotland Police service had a Joint Police Board which was formed by a total of 11 Councillors from the three Council areas.

### **Dumfries and Galloway Constabulary**

Dumfries and Galloway Constabulary area was situated in the south west of Scotland and covered some 2,649 square miles. The area carried a population of around 148,000 people<sup>7</sup>. Dumfries and Galloway is a single Council area and provided the members for the Unitary Police Authority. Predominantly a rural area it does, however, carry the main arterial route for traffic between England and Scotland.

The coterminous Police Board consisted of 11 Councillors and was called a Police, Fire and Rescue Committee.

### **Fife Constabulary**

Fife Constabulary area was situated in the east of Scotland and was bordered on the north by the river Tay and on the south by the river Forth. The area which extended to 513 square miles had a population of around 350,000 people<sup>8</sup>. Fife is a single Council area and provided the members for the coterminous Police Board. Fife has a wide range of policing requirements with possibly one of the most notable being regular major golfing championships particularly at St. Andrews.

Fife Constabulary was served by a Police, Fire and Safety Committee of 14 Councillors and one NHS member. This committee was not only for discussing Police Board/Authority issues but also covered fire and safety issues at the same time and generally both the Chief Constable and Fire Chief attended Board meetings.

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<sup>7</sup> Dumfries and Galloway Police website:

<http://www.dumfriesandgalloway.police.uk/aboutus/abtus.html>.

<sup>8</sup> Fife Constabulary website: <http://www.fife.police.uk/default.aspx?page=5>.

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### **Grampian Police**

Grampian Police area was situated in the north east of Scotland and covered an area of around 3,373 square miles. The police area covered a population of some 530,000 people. Aberdeen, Aberdeenshire and Moray Council areas made up the police area and provided the members for the Joint Police Board<sup>9</sup>. The Grampian area affords a variety of policing challenges including the concentration of major oil industries within its jurisdiction.

Grampian Police Service was formed from three Local Council areas and was therefore served by a Joint Police Board which had a membership of 16 Councillors.

### **Lothian and Borders Police**

Lothian and Borders Police area was situated in the east of Scotland and stretched from the River Forth in the north to the Borders area in the south. This encompassed an area of some 2,471 square miles and a population of around 921,000. The police area was comprised of five Local Authorities: East Lothian, Edinburgh, Midlothian, Scottish Borders and West Lothian. Each of the Local Authorities provided members for the Lothian and Borders Joint Police Board.

Lothian and Borders encompasses a varying policing environment and in particular the policing of Scotland's capital city Edinburgh. Edinburgh is not only a major tourist attraction but, as the home of Scotland's Parliament, it holds special policing needs.

The five Council areas which comprised Lothian and Borders Police area each provided Councillors to make the 18 Councillors who formed the Lothian and Borders Joint Police Board<sup>10</sup>.

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<sup>9</sup> Grampian Police website: <http://www.grampian.police.uk/About.aspx?id=42&pid=30;31>.

<sup>10</sup> Lothian and Borders website: <http://www.lbp.police.uk/>.

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### **Northern Constabulary**

Northern Constabulary area was situated in the north of Scotland and encompassed the Highlands and Islands areas. It covered around 10,000 square miles and had a population of around 300,000 people<sup>11</sup>. The diverse geographical policing environment offers its own challenges for the policing of the area.

The four Local Authorities which made up the Northern Constabulary<sup>12</sup> provided locally elected members to make up the 24 members of the Northern Constabulary Joint Police Board.

### **Strathclyde Police**

Strathclyde Police area covered predominately the west central belt of Scotland. The police service was the largest in Scotland and had a population of nearly 2.3 million<sup>13</sup>. As well as having a large urban population in cities such as Glasgow, the policing of Strathclyde also covered a variety of geographical diversity including the Inner Hebrides. The police area covered some 5,371 square miles and was comprised of 12 Local Authorities<sup>14</sup> each of which provided members for the Strathclyde Police Joint Police Board<sup>15</sup>. During the conduct of this research and the life of the Police Board the Board re-named itself and became known as Strathclyde Police Authority.

The 12 Local Council areas that made up the Strathclyde Police area each provided elected members to make up the 34 members that comprised the Strathclyde Police Authority. In addition to the largest number of Board members the Strathclyde Police Authority also had the largest number of support staff with around 11 support staff and specialist officers including a Chief Executive<sup>16</sup>.

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<sup>11</sup> Northern Constabulary website: <http://www.northern.police.uk/facts-and-figures.html>.

<sup>12</sup> Highland Council, Orkney Islands Council, Shetland Islands Council and The Western Isles.

<sup>13</sup> As at December 2008.

<sup>14</sup> Strathclyde Police Local Authority areas are Glasgow City, North Lanarkshire, South Lanarkshire, Argyle and Bute, East Ayrshire, East Dunbartonshire, East Renfrewshire, Inverclyde, North Ayrshire, South Ayrshire, Renfrewshire and West Dunbartonshire.

<sup>15</sup> Strathclyde Police website: <http://www.strathclyde.police.uk/index.asp?locID=263&docID=-1>.

<sup>16</sup> November 2008.

### **Tayside Police**

Tayside Police covered an area to the east of Scotland stretching from the River Tay in its south to its borders with Grampian Police and Northern Constabulary in the north. The police area covered approximately 2,896 square miles and served about 388,000 people. Tayside Police area was formed from three Councils; Dundee City, Perth and Kinross and Angus who made up the membership of Tayside Joint Police Board<sup>17</sup>. Tayside carries a variety of policing needs including densely populated urban areas and rural areas with few residents.

Tayside Police was served by a Tayside Police Joint Board. The Board consisted of a total of 18 councillors appointed from the three Council areas.

### **Additional Police Agencies in Scotland<sup>18</sup>**

In addition to the local Scottish police services at the time of this report there were other police services operating in Scotland which had their own Police Boards or Authorities. Although these police services are not examined by this thesis they mentioned for information. These police services include but are not limited to the Ministry of Defence Police, Civil Nuclear Police and British Transport Police. The governance of these police services is discussed, for information, in more depth in Appendix J of this thesis. The SPSA is outlined below.

### **The Scottish Police Services Authority (SPSA)**

The Scottish Police Services Authority was established in 2007 by the Police, Public Order and Criminal Justice (Scotland) Act 2006. The SPSA did not operate on behalf of the Crown and was a non-departmental public body. The SPSA operated independently from Government and appointed its own staff and was responsible for its own budget.

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<sup>17</sup> Tayside Police website: <http://www.tayside.police.uk/about.php>.

<sup>18</sup> As in place during the research 2008-2012.



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The SPSA had the responsibility to provide support services for the eight Scottish police services, including:

- *The development, provision, procurement and delivery of training and education to police forces and other persons or organizations SPSA thinks fit;*
- *The development, provision, procurement, maintenance, management, support and oversight, as appropriate of national data systems, information technology systems, equipment and of records;*
- *The development, provision and maintenance of a national system for the collection, identification and verification of physical data, samples and other things and the information derived from those data, samples and other things as are, or may be, used to identify a person;*
- *The development and maintenance of a strategy for the acquisition and use of information technology systems by police forces; and*
- *The development and provision of a national forensic science service*<sup>19</sup>.

[http://www.spsa.police.uk/foi/about\\_spsa](http://www.spsa.police.uk/foi/about_spsa)

The SPSA was also required to maintain the Scottish Crime and Drug Enforcement Agency and other police support services. The Chief Executive of the SPSA had a responsibility to report to the Board.

The Board of the SPSA consisted of 10 members (appointed for three years) who must have been either police Force members (Chief Constables), Police Authority members (Convenor of a Police Authority, Joint Police Board or Police Committee) or lay members. When in session the Board comprised of the Convenor, who would be a lay person and at least two members from each category<sup>20</sup>.

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<sup>19</sup> [http://www.spsa.police.uk/foi/about\\_spsa](http://www.spsa.police.uk/foi/about_spsa).

<sup>20</sup> Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10) Schedule 1.

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The Board had the responsibility for the governance of the finance from public funds and for strategic direction and monitoring of SPSA as agreed with the Scottish ministers. An Audit committee, which met at least three times a year monitored SPSA's financial and other risks, was composed of two non-executive Board members.

The SPSA was a relatively new organisation and had its teething troubles with many publicly aired difficulties being brought to public attention and the power of the Board being questioned<sup>21</sup>. The removal of the Serious Crime and Drug Enforcement Agency (SCDEA) from the SPSA to ensure more effective governance had also been mooted and considered by the Board<sup>22</sup> during this thesis. A separate SCDEA would have made it more akin to a national policing agency and may have required a different governance than that provided under the SPSA, perhaps more similar to that of Police Boards.

### **3. Objectives of the Research**

There has been relatively little empirical research conducted on Police Boards in Scotland. The main objectives of this research sought to address this research gap and provide an understanding of Police Boards in Scotland and the governance of their police services. This research is a PhD studentship which commenced in September 2008 and was funded by the Economic & Social Research Council (ESRC) and the Scottish Government (award number ES/G028826/1). The research was founded on a number of pre-set objectives prepared by the Scottish Government. The research was conducted prior to the inception of a single Scottish Police Service and as such is an illustration and examination of the pre-reform landscape of Scottish police governance. The thesis also discusses many of the changes and challenges that were commented on by Board members, stakeholders and academics during this time and relates the main findings of the research to a Scottish Police Authority.

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<sup>21</sup> Since its inception the SPSA has been beset with adverse publicity, a few of these include; concerns of over spending on consultants (Sunday Mail 17/11/2008), poor staff morale (the Herald 12/06/2008), Allegations of serious misconduct by the Chief Executive (the Herald 17/12/2008).

<sup>22</sup> SPSA minutes of Board meeting 08/10/2008 point 5.

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The pre-set objectives provided for the research were to examine the interface between Boards and their police Forces, examine the relationships between Boards and their communities, examine the relationship between Police Boards and the Scottish Government, examine how Police Boards interface with each other through the Scottish Police Authorities Conveners Forum and to consider the production of a performance management framework for Police Boards.

Although the research was intended to follow these objectives there were numerous major developments in the governance of Police Boards in Scotland during the period of the PhD. This resulted in the research amending and refocusing the above objectives in order to meet changing circumstances. For example, the production of a performance management framework for Police Boards in Scotland would be redundant due to the imminent extinction of Police Boards in April 2013. In addition the results of other research carried out during the period of this thesis had an effect on the thesis strategy. Such research included HMICS inspections of Police Forces and Police Boards in Scotland. It was also found during the research that some of the key areas to be assessed appeared to have little impact on the Police Boards, or that the Board members themselves had little awareness of the key areas. As such some of these objectives were difficult to measure or comment on, other than comments on the lack of awareness or impact.

The research was completely independent and the researcher had taken action to ensure Conveners, Board members and stakeholders of this. However, because the research had Scottish Government funding there was still one respondent who expressed their concern of the survey which they referred to as:

*“A Government research programme that is closely related to matter of political controversy.”* (Police Board member)

This emphasised the need for the researcher to continue to identify that the research was conducted entirely independently throughout the project.

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In order for the researcher to gain a better understanding of Police Boards and enable the proposed research, a multi-method approach was adopted which assisted with the development and triangulation of the research. The researcher first gained knowledge and an understanding of Police Boards in Scotland through a literature review focusing on Police Boards and governance. This was followed by initial desk research including an archival review of Police Board documents and Board minutes. Thereafter, the researcher conducted on-site field visits to Police Board meetings. This was followed by the compilation, distribution and examination of a Police Board members' profile survey. This initial research informed the researcher regarding Police Boards and provided a foundation to be developed by later interviews with Police Board members and other stakeholders. The interviews allowed the researcher to establish Board members' and stakeholders' own perceptions of the Police Boards in Scotland. The research data obtained from the desk research, field visits survey and interviews were subsequently examined and analysed. The results of the research, therefore, provide a pre-reform documentary of Police Boards in Scotland and offer advice and guidance for the governance of policing in Scotland.

### **4. Structure of the Thesis**

Chapter 1 introduces how governance and accountability have emerged as an issue in Scotland with a chronological account focusing on key moments for police governance in Scotland. Chapter 2 seeks to further develop the overview of police governance and to focus specifically on police governance, accountability and scrutiny. The chapter concludes by considering examples of police governance in England and Wales as well as internationally.

Chapter 3 gives an overview of governance, accountability and boards focusing on corporate boards. The chapter looks at general literature on governance and accountability along with the more specific debates about how this is handled in the public sector. This chapter also looks to provide an indication of what is good governance and where things can go wrong. Finally, the chapter concludes with brief

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reviews of the literature examined for this project and highlights the research questions that were identified from the literature review.

Chapter 4 examines the research philosophical position and the methodology that has been adopted by the researcher in this research. The chapter first examines the research philosophy and how this choice reflects on the scope, research design, theoretical constructs, methodology, empirical study, types of data, analytical techniques, interpretative methods chosen for the research and the subsequent results expected from that research. An examination of an alternative philosophical position to that proposed was then reviewed. This considered how the alternative philosophy would affect the outcomes of the proposed research and discussed why that approach will not be adopted. The chapter then outlines the methods used in the research and explains why these methods were adopted.

Chapters 5 to 10 outline the results of the desk and field research undertaken by the researcher during the project. Chapter 5 outlines the results from the survey/questionnaire sent to all Police Board members, by the researcher. The questionnaire was designed to establish the profile of a Police Board member in Scotland. The questions related mainly to the Board members' Council and Police Board service, experience of policing, age, other work commitments, time spent on Board duties, years resident in Board area and the Board members' other relevant experience.

Chapter 6 gives an overview of Police Board meetings. First of all the chapter identifies the eight Police Boards in Scotland and comments on their function. The chapter then portrays the results obtained from an archival examination of the minutes of all eight Police Boards between May 2007 and the end of 2008. This was undertaken to gain an understanding of what business is carried out by each Police Board. The understanding of Police Boards is further enhanced by the overview of the researcher's observations during his attendance at meetings of all eight Scottish Police Boards. The chapter also adds comments on interview responses from Police Board members and stakeholders regarding their own perceptions of Police Board meetings.

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Finally, the summary of the chapter connects the main threads identified regarding Police Board meetings.

Chapters 7 to 10 present the main findings from the semi-structured interviews carried out with Police Board members and stakeholders and comment on interviewees' responses in regards to their perceptions on the role remit and purpose of Police Boards. Chapter 7 starts the overview of interviewees' responses and looks at the perceptions of the key tasks of the Board, the effectiveness of the Board, and Board politics. In chapter 8 the analysis and examination of the Police Board and stakeholder interviews continues with an overview of interviewees' perceptions on the policing budget, police performance, strategic direction and police complaints.

Chapter 9 comments on Police Board stakeholder interaction and also reviews interviewee's observations of community engagement and consultation. The chapter also looks at the Boards relationship with the Chief Constable and the Scottish Government. In addition the chapter reviews interviewees' perceptions on Police Board interaction with Her Majesty's Inspectorate of Constabulary for Scotland, the Scottish Policing Board, the Scottish Police Authorities Conveners Forum and the Scottish Police Services Authority. Chapter 10 completes the reflection of interviewees' responses with their perceptions on the future for police governance in Scotland. This includes interviewees' thoughts on; police reform, the number of police Forces in Scotland, additional Board support, independent Board members, and a Police Board Commissioner.

Chapter 11, the penultimate chapter, looks to critically discuss the findings from the previous chapters with regards to the establishment of a single Police Service of Scotland in April 2013. The chapter, first of all, reviews the proposed intentions for a Scottish Police Service and a Scottish Police Authority (SPA). The chapter then reflects on the findings from the research reported in this thesis and how it may inform the Scottish Police Authority in theory and practice.

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Chapter 12, the final chapter, concludes the thesis by highlighting the contributions of the research, suggests further research that may be considered for the future and ends on a final comment regarding initial challenges for the SPA.

## **Chapter 1**

### **Police Governance and Police Boards in Scotland**

#### **1.1. Introduction**

This chapter provides an introduction to Police Boards in Scotland through a historical oversight of key matters effecting Police governance in Scotland. In particular the chapter discusses the tripartite system (1.2.2.), the Scotland Act 1998 onwards (1.2.4.) and key contemporary developments (1.2.5.). This chapter was compiled prior to the inception of a single Scottish Police Service and, therefore, is a reflection of the pre-reform landscape of Scottish police governance.

#### **1.2. Key Historical Events Effecting Police Boards in Scotland**

Unlike policing in England and Wales the research of Scottish Police governance history has received little attention; Barrie (2008) is perhaps one of the few to look at the history of policing in Scotland in any depth. One of the main differences pointed out by Barrie is that, unlike in England and Wales where policing sprung from a central direction, policing in Scotland arose before that in England from local initiatives and police Acts issued by towns before any government dictate.

##### **1.2.1. Police Governance in Scotland in the 17<sup>th</sup> to 19<sup>th</sup> Century**

The Edinburgh Scotland Town Orders 1688, set out by the Lord Provost, Baillies and Council of Edinburgh, indicates the powers and duties of constables elected by the Council. This Order is reproduced in Figure 1.1 below for information. Although not specifically relating to a Police Board this is one of the earliest documents obtained during this research relating to police governance in Scotland showing the relationship between the police and the local Council.



Figure 1.1 Edinburgh Scotland Town Orders 1688



# O R D E R S

*Set down by the Lord Provost, Bailies, and Council of Edinburgh, to be observed by the Constables thereof, in Discharge of their Offices within this City, and Liberties thereof.*

**I**mprints, The Constables being Elected by the Lord Provost, Bailies and Council, shall be obliged to accept the Charge and Office of Constabulary, under the pains of Imprisonment of their Persons, and payment of such an Un-law as the Magistrates shall think fit to Impose, and to remain in Warday and while the same be payed, and under the pain of Horning. And for discharging of their Offices, they are to be solemnly sworn in presence of the Lord Provost, Bailies and Council of this Burgh, and shall take the Oath following.

## O A T H.

**T**hat they, and ilk one of them, shall faithfully and truly discharge their Offices of Constabulary within the Bounds committed to their Charge, during the time of their Offices after their Admission, and shall not for favour, respect, or fear of any Person, forbear to do that which becometh them in their Offices, And above all things, they shall regard the keeping and preserving of the Peace, and shall at every necessary occasion, come to the Lord Provost and Bailies of this Burgh, or any one of them, and give a due and true Information of any Breach, Tumult, or other injunctious against the Peace, within their respective Bounds, and shall no ways hide, cover, nor conceal the same, nor any Probation or Light that they can give for clearing and proving thereof. So help me GOD, and by GOD Himself.

**I**tem, A Constable shall have Liberty to take and apprehend any suspected Person, idle Vagabonds, or Night-wakers, and Imprison them, till they find Surety for their Behaviour, at the direction of any of the Judges, for Civils or Criminals, or the Lord Provost and Bailies of Edinburgh.

**I**tem, A Constable shall have Power to challenge any Person within this Burgh, or Liberty thereof, that shall be found wearing Pistols or Daggers, and shall present them before the Lord Provost, Bailies, or any one of them, to be punished by them for their fault, conform to the Act of Parliament.

**I**tem, Upon appearance of any Fray or Strife within this Burgh, either by Day or Night, betwixt any Parties, or any other sudden Accident that may fall forth, the Constable shall take unto him the Assistance of his Neighbours for separating of the Parties, and for Ordering any inconvenience that shall happen to ensue, and shall take the Party or Parties, and commit them in Ward, or present them to the Lord Provost or Bailies. And if any harm shall happen to be done to the Constable, or any of his Assistants, the Constable shall take them and put them in Ward, and present them to the Lord Provost and Bailies, or any of them, to be accordingly punished for their fault.

**I**tem, If any Person or Persons make any Plea or Tumult within this Burgh, and see to any House, the Constable shall have Power to break up the Doors thereof: And albeit the Party or Parties see without the Bounds of the Constables Charge, yet the Constable may follow, and apprehend him or them in a fresh Pursuit, and commit them to Ward, to be Punished for their fault.

**I**tem, The Constable shall take and apprehend all idle Vagabonds and Sturdy Beggars, or Egyptians, and put them in Ward, to be punished for their fault, according to the Act of Parliament.

**I**tem, The Constable shall take and apprehend all idle Persons, who have not a Calling to live by, and who will not take themselves to some Labour, Trade, or Occupation, and shall present them before the Lord Provost and Bailies, who after Examination and Tryal, shall punish them according to their Crime and demerit.

**I**tem, The Constables being informed of any Person guilty or culpable of Slaughter, Murder, Theft, or any other capital Crime whatsoever, shall then require his Neighbours to assist him, for the safe apprehending and conveying such Persons before the Lord Provost and Bailies, to be punished for their fault.

**I**tem, The Constable shall search and seek the Bounds committed to his charge, and suffer no Vagabonds, beggars, nor infamous Persons, to Remain, Dwell, or be Retent in his Bounds, and if any be within his said Bounds, he shall presently inform the Magistrates, that they may be Punished, and removed forth of this City.

**I**tem, Ilk Constable shall concert one with another, at all occasions needful.

**I**tem, The whole Constables shall upon every last Saturday of every Month compare, and present themselves before the Lord Provost and Bailies in the Council-house, to give an Account of their Diligence in their Offices, as they will answer upon their Obedience.

**I**tem, Ilk Constable shall cause the Bounds committed to his Charge, be kept clean of all kind of Filth, and Middings: And to that effect, for keeping of the Streets and Passages Clean, ilk Constable shall have Power in his own Bounds, after Tryal of any Person or Persons casting out Filth at their Doors, Windows, or Shotts, either in the Fore-gate or Back-sides, or laying any Filth, or Middings on the High-Streets, Cloffes, or Passages within this Burgh, to cait the Person guilty to pay conform to the Tenor of the Printed Proclamation.

**I**tem, Ilk Constable within his Bounds shall take and apprehend all Banners, Sweepers, and Blasphemers of GOD's Name, either in the Streets, Markets, or at the Wells, and to Punish them, either by Warding, or putting them in the Jogs or Stocks, according to the quality of their Fault.

**I**tem, That each Family shall be Poynded for their Children or Servants that Neils the stairs, Turnpikes, or streets, Cloffes, or Vennebs of the City in four Shilling Scots.

**I**tem, The Constables are hereby Impowered to uplift the respective Fines, incurred by the Inhabitants and their Servants within their bounds, conform to the Printed Proclamation, and are to give an account thereof to the Magistrates, and of these that shall Transgress, each Monday of the Week during the time of their Offices, which Fines are to be applied, the one half to the Discoverers of the Persons that shall be found to Transgress the said Printed Proclamation, and the other half the Council Declares shall be applied for gratifying of those that shall be found most active in discovery of the Persons that Transgress the said Printed Proclamation, according to the Pains taken by them from time to time, as to the said Discovery.

**I**tem, The Constables are frequently to go throw their bounds, to the Dwelling-houses within the same, and try if each Family hath sufficient Vassels for holding their Excrements and Foul-Water, conform to the printed Proclamation, and to poynd these in three Pound Scots that are deficient.

**I**tem, The Constables in each bounds are to see the Magistrates of the Penalty and Certification, contained in the Act of Parliament against the Cleansing of the Streets of the City.

**I**tem, If any Person shall refuse to comply with the Constable in executing of his Office, they shall be imprisoned, and severely Punished by command of the Lord Provost and Bailies, according to the quality of the Offence.

**I**tem, The Constables shall be obliged to receive any Injunctions, or Statutes that the Lord Provost, or Bailies and Council shall assign to them at any time hereafter. Extracted by me.

A. N. S. M. LEOD, cl.

Edinburgh, Printed by the Heir of Andrew Anderson, Printer to His most Sacred Majesty, City and Colledge,  
Anno Dom. 1688.



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The above orders encompass the powers given to the constable along with the duties that the constable was expected to discharge and their responsibilities to the Lord Provost, Baillies and Council<sup>23</sup>. The Order is of interest as it is nearly 200 years before the General Police Act (Scotland) 1857 which is generally reported as the start of professional policing in Scotland.

There were several attempts to operate a police Force in Glasgow in the late 1700s but these are generally reported to have failed due to lack of finance. However, the foundation of these police Forces, although short lived, did create a police Force of full time, paid, uniformed police officers. The police Force at this time was under the control of the Lord Provost, three Baillies and nine Commissioners who were elected from local traders and merchants, therefore, according to Dinsmore (2000) having the police controlled by “*the people*”. The outline of the early Glasgow Police Force can be seen as the foundation of the duties and governance of modern policing. The duties of the early police included:

- (a) *Patrolling the streets to detect and prevent crimes during the day, the evenings and at night.*
- (b) *Detecting house and shop breaking and theft by pocket picking.*
- (c) *Searching for stolen goods and detecting resellers (receivers) of stolen goods.*
- (d) *Gathering information on crimes, convicted persons and the public houses they frequent, recording it in a book for the purpose.*
- (e) *Suppressing riots, squabbles, begging and singing songs.*
- (f) *Apprehending vagabonds, vagrants and disorderly persons.*
- (g) *Controlling carts and carriages.*

Dinsmore (2000, p.3)

When commenting on early policing many refer to Peel and the Metropolitan Police. However, Dinsmore (2000) and Barrie (2008) point to Patrick Colquhoun (1745-1820) as the founder of the principle of preventative policing. Colquhoun was a

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<sup>23</sup> The National Library of Scotland archives: <http://www.nls.uk/>

## Chapter 1

merchant, Council member and Magistrate in Glasgow during the late 1700s when policing was originally discussed and implemented in Glasgow. Colquhoun later moved to London and it is thought that he used his knowledge of the operation of the police in Glasgow to compile his *'Treatise on the police of the metropolis'*<sup>24</sup> in which he suggested policing should be disciplined, preventative and proactive.

Barrie (2008) refers to this early era in police development in Scotland as the “*age of improvement*” and suggests it owes much of its heritage to the Scottish enlightenment. The main reasons for the necessity for change in policing are suggested to have come about from the need for the legal system and law enforcement to keep up with changes in the commercial system. This was thought to have allowed critique of the criminal justice system to meet commercial needs and allow local action to avoid central control through dictatorial pronouncement. The local election of Police Commissioners for the governance of the police was seen amongst other factors to provide:

*“an important bridge between the local state and the civil sector which was designed to ensure the rule of law, the defence of property and urban improvement.”*

Barrie (2008)

The Police Commissioners were not always without conflict and in larger Burghs could be caught in the struggle over who controlled the police. This age of enlightenment was seen as a catalyst for reform and the introduction of full time police officers with a chain of command.

Dinsmore (2000) indicates that the passing of the Glasgow Police Act 1800 allowed the Council to pass a levy on property to allow for finance of policing which ensured that subsequent police Forces would not collapse from lack of finances. Several Acts were passed subsequent to this which allowed other Burghs to also establish Constabularies.

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<sup>24</sup> Colquhoun, P. (1800).

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The General Police Act (1833) allowed most Burghs in Great Britain to establish a policing system. The General Police Act (Scotland) 1857 was seen by many as a turning point for Scottish policing with Scottish Burghs and Counties being required to maintain their own Forces. There was also the introduction of the position of Her Majesty's Inspector of Constabulary and the requirement under statute for the Chief Constable to provide the Secretary of State (Scotland) with statistics of crimes. The Burgh Police (Scotland) Act 1892 added the responsibility of the policing of Scottish towns to the local Town Councils. Subsequently, policing in Scotland was provided by various County, Burgh and amalgamated Constabularies. During this period there were around 90 local police Forces in Scotland. Later, the number of police Forces in Scotland halved to around 45 by the 1950s and, then, to 22 by the 1970s with each city retaining its own police Force.

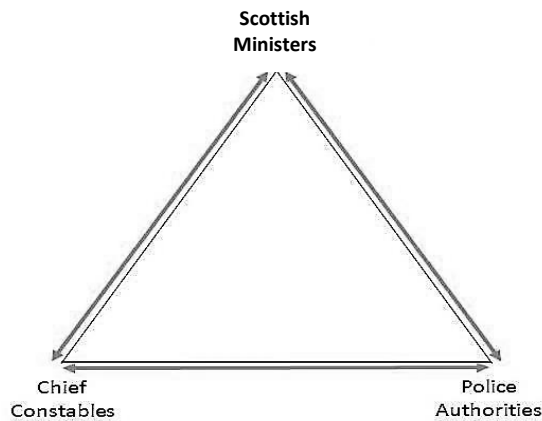
### **1.2.2. The Tripartite System**

Although there were several policing changes in the 20<sup>th</sup> Century the greatest influence is suggested to have come from the tripartite arrangement. In 1962 the UK Government instigated a Royal Commission of Inquiry into the Police Service, including a review of the police service in Scotland<sup>25</sup>. This review provided the foundation for the subsequent Police (Scotland) Act 1967. This Act was the main foundation for modern police governance in Scotland and the tripartite system, meaning in three parts, with three parties seen to have equal responsibility for policing in Scotland. The three parties having responsibility for police governance at this time comprised the Scottish Ministers and specifically the Justice Secretary (Scottish Government at 2008), the Chief Constables of the various Counties, Burgh and amalgamated Constabularies and the relevant Police Authority. The professed equal sharing of police governance by these parties is illustrated by Figure 1.2.

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<sup>25</sup> Royal Commission on the Police. Report, Cmnd 1728, HMSO, 1962.

**Figure 1.2 Scottish Policing Tripartite Structure**



The Police (Scotland) Act 1967 dictated that each Local Authority ensured a Police Authority was in place so that the Chief Constable was given sufficient resources to ensure that an effective and efficient police Force was delivered. A Police Board was in essence the avatar of the Police Authority which had responsibility for providing a police service in the particular area. In general terms the Police Board performed the functions of the Police Authority, each Council would allocate its relevant financial resources to the Police Board. The Police (Scotland) Act 1967 put in place the main statutory functions of the Police Authority relating to policing governance and accountability which included:

- *Controlling the police budget to provide the Chief Constable with resources for the policing of the Force area and ensuring that Best Value was secured for these resources.*
- *The appointment, conduct and removal of senior police officers<sup>26</sup>.*
- *To keep aware of the way that complaints against the police are dealt with by the Chief Constable.*
- *The appointment of Police Appeals Tribunals.*

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<sup>26</sup> Chief Constable, Deputy Chief Constable and Assistant Chief Constables.

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- *Putting into place the Independent Custody Visiting Scheme.*
- *Management of the Police Pension regulation requirements.*
- *The grant of legal assistance to police officers.*
- *To provide the Common Police Services with resources/services.*
- *To determine the number of police officers and civilian support workers in the police service (subject to the consent of the secretary of state).*

The Police (Scotland) Act 1967

In addition to the directions in the Act, a Scottish Government guidance document<sup>27</sup> was distributed for the attention of Police Board members. The document which was also available online highlighted the main responsibilities of the Police Board. Police Boards in Scotland were made up of Councillors from the Councils that formed the respective police area, in Scotland only Councillors could be Police Board members<sup>28</sup>. Police Boards were a corporate body which meant that the members of the Board were identified as the body and could act as the entity. The Scottish Government (2007) guidance for Police Board members, amongst other advice, describes the key roles of the Board as:

- *Appointing senior police officers;*
- *oversee the work of the chief constable and hold him/her to account;*
- *control the budget for the force and so provide the chief constable with the resources necessary to police the area efficiently and effectively;*
- *make arrangements to secure Best Value and report publicly on performance;*

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<sup>27</sup> The Scottish Government (2007).

<sup>28</sup> In Fife the Police, Fire and Safety Committee consisted of 14 Councillors and one NHS member although the NHS member could not vote on policing issues.

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- *participate in Community Planning;*
- *be informed of policing in their area; and,*
- *keep themselves informed of the manner in which the Chief Constable deals with complaints about police officers made by a member of the public.*

Scottish Government (2007, p.4)

The Scottish Ministers had the role to ensure that there was a statutory framework in place along with financial governance and the imposition of national policing priorities. The Scottish Government Ministers were responsible for the policing policy in Scotland and answerable to the Scottish Parliament. The Scottish Ministers had powers to overview policing including;

- *Determine the level of funding for Police Authorities.*
- *Make regulations governing conditions of service.*
- *Increase SPSA support services, with Scottish Parliament approval.*
- *Approve appointments of Chief Constables and other senior officers.*
- *Approve Police Authorities requests for a Chief Constable to retire. (In interest of efficiency)*
- *Require a Police Authority to call a Chief Constable to retire. (In interest of efficiency)*
- *Require a Chief Constable to submit a report on policing in their area.*
- *Require a specific matter to be included in the Chief Constables' annual report.*

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- *Require the Police Authority to report on HMCICS report on their Force.*
- *Have power to amalgamate police Forces subject to consultation.*
- *Direct Chief Constables to reinforce other Forces on safety grounds.*
- *Take action in the event of an adverse report from HMICS.*
- *Direct HMICS to enquire into any aspects of policing.*

(Scottish Government 2007: J/S3/07/6/7)

The Chief Constable was responsible for operational policing and was the only person with the power or responsibility for operational policing and could not be directed by Scottish Ministers or the Police Authority with regards to such matters<sup>29</sup>. The governance of the policing tripartite is discussed further in Chapter 2.2.1 of this thesis. This reflects and helps to safeguard the main position of policing in the United Kingdom of '*policing by consent*' which implies that policing is conducted for the general public with their consent and cooperation. A main assurance for this consent has been that the police are accountable for the exercise of their powers. The accountability of the police is considered in more depth in Chapter 2.

### **1.2.3. Local Government Reorganisation**

The Local Government (Scotland) Act 1973 provided two-tier Local Governance in Scotland with both regions and districts. This was followed by the subsequent Local Government reorganisation in 1975 which created an eight police Force structure in Scotland to coincide with the regionalisation of Local Governance. The eight Forces<sup>30</sup> replaced the County, Burgh and amalgamated Constabularies that had been in place. The Local Government etc. (Scotland) Act 1994 brought about further Local Government reorganisation in 1996. This reorganisation meant that the two tier

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<sup>29</sup> Constabulary Independence.

<sup>30</sup> Central Scotland Police, Dumfries and Galloway Constabulary, Fife Constabulary, Grampian Police, Lothian and Borders Police, Northern Constabulary, Strathclyde Police and Tayside Police.



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organisation of Local Government of Region and Council put in place in 1975 was removed and replaced by Local Government consisting of 32 unitary Councils. However, there was no subsequent reorganisation of the police services at this time and there remained eight Scottish Police Services.

The Police and Magistrates Act 1994 brought the introduction of fixed term appointments for Chief Constables and thereby, perhaps, led to a weakening of the potentially unchallengeable position of the Chief Constable. The Act also passed the direction and control of police civilian employees under the direction of the Chief Constable.

### **1.2.4. The Scotland Act 1998 Onwards**

The Scotland Act 1998 brought the creation of a devolved Government for Scotland in 1999. Initially referred to as the Scottish Executive, by the then in power Labour Party with the Liberal Democrats as a junior partner, it has been rebranded as the Scottish Government since the Scottish National Party minority government of 2007. One of the effects of the Act was that policing issues including Scottish policing legislation were devolved to the Scottish Government.

The Scottish Police Authorities Conveners Forum was founded in 1999 as a platform to represent all eight Police Authorities/Boards in Scotland. 2002 saw the Police Reform Act 2002 which was passed by the United Kingdom Parliament; this created amongst other provisions the role of the community support officer.

The Local Government (Scotland) Act 2003 ensured that Local Authorities, including Police Boards had a duty to secure Best Value by maintaining an effective and efficient police service. The Act also required Local Authorities to ensure that local communities were involved in key partner's public service decisions that affected them. This included decisions on services made by the police. The Act required that Councils and Police Authorities must secure Best Value and that Police Authorities and Chief Constables participated in the Community Planning process. Section 16 of

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the Act also required Police Boards, to participate in the Community Planning process.

HMICS carried out a review of the investigation of complaints against the police in Scotland in 2004. The main focus of the recommendations related to the police Forces, however a recommendation that, perhaps, had direct relevance to the Police Boards included the recommendation that a national evaluation of lay visitor schemes should be carried out by the Scottish Executive in consultation with Police Authorities. HMICS Thematic Inspection of Performance Management in the Scottish Police Force (2005) thereafter looked at an overview of police performance focusing on the delivery of Best Value and efficiency.

The Police, Public Order and Criminal Justice (Scotland) Act 2006 was a fairly substantial Act which led to the establishment of the Scottish Police Services Authority (SPSA), the Police Complaints Commissioner for Scotland (PCCS) and the Scottish Crime and Drug Enforcement Agency (SCDEA). The Act also provided new police powers including those relating to football and offensive weapons. This Act is suggested by Donnelly and Scott (2008) to be the first Act to have fundamentally dealt with policing in Scotland since 1967, and had allowed Scotland to “*catch up*” with England where numerous laws had been passed relating to policing during that time.

The Scottish Policing Performance Framework was introduced in April 2007 as a measure to facilitate and manage police performance in Scotland and offer improved accountability. The framework was put in place as a result of joint work by the Scottish Government (Justice Department), HMICS, ACPOS, Audit Scotland, Scottish Police Authority Conveners Forum and the Scottish police Forces. The framework covered the areas of Service Response, Public Reassurance and Community Safety, Criminal Justice and Tackling Crime; and Sound Governance and Activity. It identified a number of ‘High Level Objectives’ which could be measured and introduced performance indicators. These frameworks covered Scottish policing and not only individual Force areas. Since its inception there had been a number of revisions to the model as it evolved.

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In 2007 the Concordat between Scottish Ministers and the Convention of Scottish Local Authorities (COSLA) allowed funding for Community Safety and antisocial behaviour to be absorbed into the main Local Government funding. The Concordat also committed both National and Local Government to have Single Outcome Agreements (SOAs) for all Scotland's 32 Local Authorities. The Act extended this to include Community Planning Partnerships (CPPs). The creation of an SOA, initially between each Council and the Scottish Government, has since 2009-2010 been between each Community Planning Partnership and the Scottish Government. The SOAs agreed by each CPP include both local and national objectives. Also in 2007 the Crerar Review was a review of the scrutiny sector and complaints handling systems in the public sector in Scotland. The review observed how these processes could be improved including areas involving complaints in policing.

The 2008 Justice Committee Inquiry looked at the effective use of police resources. The main comments from the enquiry put forward that the level of police resources was inadequate to allow police Forces to meet their commitments. The Committee recommended that the Government should provide funds for an extra 1000 police officers by 2011. The Committee also recommended an independent and fundamental review of police roles and responsibilities in the 21<sup>st</sup> Century. In respect of Police Boards, the committee recommended that the Government should assess if their ability to scrutinise their Force and their Chief Constable could be improved by enhancing their membership through adding an advisory capacity.

In 2008 an Independent Review of Policing in Scotland was carried out by Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) to review the roles and responsibilities of police Forces in Scotland. The review looked specifically at community access to specialist policing and resources, and that this did not detract from Community Policing. It also reviewed where such policing responsibility might be delivered nationally or by collaboration and how to ensure governance of such.

From 2009-2012 Best Value 2 Reviews were conducted which related to policing and its governance in Scotland. Audit Scotland and HMICS carried out Best value Audit

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and inspections of all eight Scottish police services and Police Boards to assess the extent to which they were meeting their Best Value duties as prescribed by the Local Government Scotland Act 2003. In 2009 the first review of all eight Scottish police services and Boards was published for Tayside Police and reviews for all remaining police services continued. A summary of HMICS and Audit Scotland’s review into Best Value of all Scottish Police Boards conducted between 2009 and 2012 was compiled by the researcher and is shown in Table 1.1 below. The researcher’s interpretation of the review is presented below for information. Areas where the Board was suggested to be not showing effectiveness is colour coded red, areas where the Board was thought to have gone some way to effectiveness is colour coded blue, whilst areas in general thought to be effective is colour coded green.

**Table 1.1 HMICS Best Value Review Summary**

Force	Date of Best Value Review	Summary of Results
Tayside <sup>31</sup>	December 2009	<p>Limited awareness and inconsistent understanding among Board members of their wider responsibilities and duties.</p> <p>The Board is not involved in determining improvement priorities.</p> <p>The Board is not involved in developing the Force’s vision.</p> <p>The Board is not involved in driving best value through strong and open challenge; it is not fulfilling its duties in relation to equalities and sustainability.</p> <p>The Board is, however, fully engaged in the monitoring of financial and staffing issues.</p>
Northern <sup>32</sup>	April 2010	<p>Board members are not proactive in determining what monitoring information they require from officers. In particular, the scope of performance reports provided to the Board does not allow it to fully assess the Force’s progress in meeting its strategic objectives.</p> <p>Board members are involved in setting the strategic priorities of the Force.</p> <p>Board members also have a role in strategic planning which goes beyond the formal approval of these plans; elected members influence the Force’s strategic plans.</p> <p>Board members participate in each of the four community safety partnerships and they are provided with regular reports on the</p>

<sup>31</sup> Information from Tayside Joint Police Board, *Tayside Police and Tayside Joint Police Board Best Value Audit and Inspection*, HMICS and Audit Scotland, December 2009, p.8.

<sup>32</sup> Information from Northern Joint Police Board, *Northern Constabulary and Northern Joint Police Board Best Value Audit and Inspection*, HMICS and Audit Scotland, April 2010, p.8.

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		<p>establishment of the Single Outcome Agreements. Members show a good understanding of scrutiny. Progress made by the Force in addressing the recommendations of external audit and inspection is monitored by members. The Board has demonstrated a good level of self-awareness and an interest in developing its overall approach.</p>
Grampian <sup>33</sup>	February 2011	<p>The Board must ensure it implements an Independent Custody Visiting Scheme (ICVS) as a matter of priority. It also needs to become more proactive in working with the Force to develop a long-term financial strategy. Many key elements of Best Value are in place. The Board continues to develop its approach to governance and scrutiny. Board members actively scrutinise the performance of the Force, have a good understanding of their local communities.</p>
Strathclyde <sup>34</sup>	July 2011	<p>There is a need to establish more effective joint working between the authority, police authority office and the Force to ensure that they are delivering Best Value. Authority members have a good understanding of local community issues but they have not been active in developing policing priorities in partnership with the Chief Constable. Scrutiny of the Force is inconsistent. There is limited monitoring of the Force's approach to partnership working and community engagement activities. The authority does not proactively seek the information it needs to hold the Force to account for its use of resources and improvement activity (including savings and efficiencies). Improvements are needed in the support provided to members. Progress with implementing the review's recommendations has been slow and improvements are needed in the management of authority business. Members need to establish arrangements for assuring themselves that best use is being made of the support resources available to them. The authority is kept well informed about finance, staffing and asset management and has provided effective challenge on some key strategic decisions such as workforce modernisation. The authority has demonstrated good self-awareness and recognises that it needs to improve its approach to best value.</p>
Lothian & Borders <sup>35</sup>	December 2011	<p>In practice, scrutiny of the Force is inconsistent. The Board also needs to provide stronger challenge in relation to the Force's performance and the Force's improvement programme, and to improve scrutiny of the Force's progress against its longer-term objective of creating community well-being.</p>

<sup>33</sup> Information from Grampian Joint Police Board, *Grampian Police and Grampian Joint Police Board Best Value Audit and Inspection*, HMICS and Audit Scotland, February 2011, p.8.

<sup>34</sup> Information from Strathclyde Police Authority, *Strathclyde Police and Strathclyde Police Authority Best Value Audit and Inspection*, HMICS and Audit Scotland, July 2011, p.8.

<sup>35</sup> Information from Lothian and Borders Police Board, *Lothian and Borders Police and Police Board Best Value Audit and Inspection*, HMICS and Audit Scotland, December 2011, p.8.

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		<p>The Board now needs to build on the work it has started, to develop a more consistent and shared understanding of Board members' roles and responsibilities, particularly in relation to developing policing priorities in partnership with the chief constable and in relation to scrutinising Force performance.</p> <p>The Board is improving its approach to Best Value.</p> <p>The convenor demonstrates a strong commitment to his role and has a clear knowledge and understanding of strategic issues facing the Force and the police service more widely in Scotland.</p> <p>Board members too have a good understanding of policing matters and priorities in their local areas and their views and priorities fit well with the focus on community policing.</p> <p>The Board's arrangements for oversight of the Force's finances are effective.</p> <p>The Board demonstrates a strong commitment to improvement and good self-awareness of where it needs to improve.</p>
Dumfries & Galloway <sup>36</sup>	June 2012	<p>There is scope for the PFRC to strengthen the challenge and direction it provides over how the Force manages risk and demonstrates value for money.</p> <p>Public reporting could also be improved by providing more contextual and comparative performance information.</p> <p>It should consider how it can improve the uptake of training, particularly for those less experienced members appointed after the 2012 council elections.</p> <p>The committee is effectively engaged in setting and approving the vision for policing.</p> <p>The well-established relationships between the police authority and its partners are also underpinned by strong governance and supporting processes.</p> <p>In relation to governance of policing by the PFRC, there is clear evidence to show improvement based on previous Best Value audit work.</p> <p>The convenor provides strong leadership to the PFRC and its members, who are committed to their role and who provide systematic scrutiny of the Force's performance.</p> <p>The PFRC scrutinises the Force's annual budget expenditure effectively including its workforce costs, efficiency savings, and capital programme expenditure.</p>

<sup>36</sup> Information from Dumfries and Galloway Police Fire and Rescue Committee, *Dumfries and Galloway Constabulary and Police Authority Best Value Audit and Inspection*, HMICS and Audit Scotland, June 2012, p.8.

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Central Scotland <sup>37</sup>	July 2012	<p>It has not yet provided this level of strategic direction over the way resources are planned over the longer term.</p> <p>The PFRC provides limited oversight of the Force's progress with equal opportunities and diversity, and has not met its own commitment to monitor progress in this area.</p> <p>The Board could do more to engage directly with communities and Board members could have a more consistent approach in relevant partnerships.</p> <p>The Board has many of the key elements of Best Value in place.</p> <p>Board members work well with the Force in setting a vision and strategic direction for policing in Central Scotland.</p> <p>The Board's decision-making structures support effective challenge and scrutiny by members.</p>
Fife Constabulary <sup>38</sup>	September 2012	<p>However, the PFSC needs to take a more strategic view of the Force's activity, its oversight of community safety and the overall impact and effectiveness of the community policing model.</p> <p>The PFSC provides limited oversight of the Force's progress with equal opportunities and sustainability.</p> <p>The PFSC receives good information on Force performance but needs to be more proactive by specifying what further context and analysis it requires to scrutinise performance in more detail.</p> <p>The PFSC also needs to provide direction as to the cost and performance information it requires to assess value for money and to do more to direct and monitor the Force's continuous improvement activities.</p> <p>The PFSC and the Force need to build on this and develop existing reporting arrangements, to facilitate more in-depth scrutiny of Force performance and its progress against the best value characteristics, and to enable the PFSC to consider value for money.</p> <p>The PFSC demonstrates a good understanding of issues affecting local policing in Fife and members support the community policing approach in their local areas.</p> <p>The Force has worked closely with the PFSC to develop members' awareness of policing and issues affecting Fife.</p>

### Key to colour coding in Table 1.1

**Red:** Board is not displaying effectiveness

**Blue:** Board has gone some way to being effective

**Green:** Board is in general effective

<sup>37</sup> Information from, Central Scotland Joint Police Board, *Central Scotland Police and Central Scotland Joint Police Board. Best Value Audit and Inspection*, HMICS and Audit Scotland, July 2012, p.8.

<sup>38</sup> Information from, Fife Police, Fire and Safety Committee, *Fife Constabulary and Fife Police Authority Best Value Audit and Inspection*, HMICS and Audit Scotland, September 2012, p.8.

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The summary shows a variance in the matters that Boards were considered to be failing in although there did appear to be an improvement between Boards as the review progressed. The first HMICS Best Value review reported on Tayside Police and Tayside Joint Police Board in December 2009<sup>39</sup>. The main findings about the Board from this first report suggested that the Board had a limited involvement in Best Value:

*“The Board is not involved in determining improvement priorities, developing the Force’s vision or driving Best Value through strong and open challenge and scrutiny.”*

Tayside Joint Police Board Best Value Review December 2009, p.8.

There was evidence from the HMICS reports that some Police Boards had taken cognisance of previous inspections. The penultimate Board to be reviewed was Central Scotland. In July 2012 the HMICS Best Value inspection report on Central Scotland Joint Police Board<sup>40</sup>, reported that:

*“The Board has many of the key elements of Best Value in place.”*

Central Scotland Joint Police Board Best Value Review July 2012, p.8.

However, the Board still performed short in some areas examined including strategic direction over resources and monitoring progress in equal opportunities and diversity. The final Board to be examined in the HMIC Best Value review was Fife in September 2012. At that time Fife was also deemed to have fallen short in the same areas.

Although accountability of the police has been considered, there has been little written about the accountability of Police Boards in Scotland. When accountability of Police Boards was considered it was generally in regards to external means of being held to account such as in the examples of HMICS or Audit Scotland. It is clear that although

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<sup>39</sup> HMICS (2009) *Tayside Police and Tayside Joint Police Board Best Value Audit and Inspection*.

<sup>40</sup> HMICS (2012) *Central Scotland Police and Central Scotland Joint Police Board, Best Value Audit and Inspection*.



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some Boards had shown the adoption of the findings of previous Board reviews, not all had, and there was a considerable difference between Police Boards in their governance and involvement in Best Value.

The Scottish National Policing Board was put in place in autumn 2009. The Policing Board brought together police, Local Government and Central Government in a forum in order to identify key strategy needs for policing in Scotland. The Board, however, was seen by many as being only a discussion forum and had no remit for making decisions regarding matters discussed.

In 2011, at the request of the Scottish Government, the Christie Commission<sup>41</sup> reported on the future delivery of public services and set out a number of key objectives to reform and improve Scotland's public services. The Scottish Government and others, including Police Boards, were expected to work together to that end. It is, therefore, expected that any future delivery of police governance in Scotland should take cognisance of the Commission's report. The key objectives of the reform programme must be to ensure that: public services are built around people and communities, public service organisations work together effectively to achieve outcomes, public service organisations prioritise prevention, reduce inequalities and promote equality; and all public services constantly seek to improve performance and reduce costs, and are open, transparent and accountable.

This chronological overview of influences on police governance in Scotland is intended to give an insight into police governance in Scotland; however, it is not in any way exhaustive of the reports or reviews into policing that have been instigated. Since devolution there have been a large number of legislative issues that were directed at policing. Scott (2011) suggests that there is more activity by Government and politicians in policing now than prior to devolution.

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<sup>41</sup> Christie, Dr. C. (2011), *Commission on the future delivery of public services*, Public Services Commission.

### 1.2.5. Key Contemporary Developments<sup>42</sup>

The main developments which had an on-going influence on the final stages of this project were not only related to the work undertaken by the researcher but also to other outside influences. These influences include the Best Value thematic inspections of Police Boards and police Forces in Scotland, referred to above. That inspection has published findings including failings of Police Board governance. This was an on-going inspection and the researcher observed, keenly, the developing themes.

In addition, in 2011 HMICS produced a discussion paper on governance and accountability<sup>43</sup> of policing in Scotland. The paper suggested areas where they saw weaknesses.

*“Combined with difficulties of capacity, conflicts of interest and a continuing recognition of the systemic weaknesses the system of governance and accountability remains flawed.”*

Laing and Fossey (2011, p.14)

The professed intention of the above HMICS paper was to open discussion on police governance identifying seven key areas that needed to be addressed in any future model of policing in Scotland:

- *Balancing Democracy and Governance.*
- *Defining the Policing Function.*
- *Balancing Operational Independence and Governance.*
- *Balancing Interests, Responsibilities and Capability.*

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<sup>42</sup> At November 2012.

<sup>43</sup> Laing and Fossey (2011). *Governance and accountability of policing in Scotland: a discussion paper by HM Inspectorate of Constabulary, HMICS.*

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- *Balancing the National and Local.*
- *Simplifying the Governance Landscape.*
- *Effective Governance and Scrutiny.*

Laing and Fossey (2011, pp.15-18)

Purported as a discussion paper this was, perhaps, more appropriately an information scoping document for the Scottish Government's consultation on a single Scottish Police Service.

In apparent response to the need for austerity measures, in September 2011 the Scottish Government launched a consultation on the future of the police and fire services. Following these reviews the Government produced its analysis of the responses announcing its intention to set up a single Police Service in Scotland.

On 16th January 2012 legislation for this reform was presented to the Scottish Parliament and was subsequently passed on 27th June 2012. On 1st April 2013 the eight Scottish Police Forces merged into a single Scottish Police Service. This national Police Service for Scotland is known as Police Scotland. A Scottish Police Authority is to provide policing governance. This is discussed in more depth in Chapters 10 and 11 of this thesis.

### **1.3. Discussion**

There has been little research conducted into the governance of policing in Scotland, This chapter has given a brief chronological overview of the main events effecting police governance in Scotland. A main issue in policing governance in Scotland from early on was who controlled the police and Barrie (2008) indicates that this often resulted in conflict. Dinsmore (2000) indicates that the election of early police Commissioners from local traders and merchants paved the way that the police were controlled by "*the people*".

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One of the greatest influences in policing governance and the assurance of accountability in Scotland was undoubtedly the Police (Scotland) Act 1967 and the introduction of the tripartite system which presented the sharing of police governance between the Chief Constable, the Police Authorities and the Scottish Government. This helped to ensure that the police were accountable and *'policed by consent'*. Coupled with the doctrine of constabulary independence where the Chief Constable is solely responsible for operational policing, this was thought to ensure that the Police were not controlled by any one party ensuring *'democratic policing'*.

Section 7.2 of the Independent Review of Policing, Scotland (2009) put forward what they mean by governance in the policing term as:

*“Governance is about making sure that public money is being spent properly and effectively. It is the framework that enables organisations to account to service users, stakeholders and the wider community, for the decisions they make to achieve their objectives”.*

HMICS, Independent Review of Policing in Scotland (2009, p.38)

However, with the reduction in the number of police services in Scotland following Local Government reorganisation in 1975 there have been observations from commentators such as Scott and Wilkie (2001) of an apparent growth of Central Government influence. This has included influence through inspection such as HMICS and Audit Scotland. With the establishment of a Scottish overview of policing through ACPOS it is argued by scholars such as Reiner (1993) that it had moved the balance of the tripartite structure more towards Central Government through a metaphorical Scottish Police Force and ensured the Scottish Local Authorities remained, as Donnelly (2008) suggests, the *“junior partner”*.

In Scotland the formation of additional bodies outside of the tripartite structure such as the SPSA and SCDEA had centralised aspects such as training, forensics and serious crime and drugs enforcement. This also meant a reduction in the influence of the Police Board for related policing matters. In addition the forming of Community

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Safety Partnerships also meant that Chief Constables were legally, duty bound to take cognisance of Community Safety Partnerships input in formulating police service strategies. The introduction of the Scottish Policing Performance Framework also emphasised accountability at local and national levels through measurement and management of police performance.

The Police Boards in Scotland were monitored and assisted in their duties by other organisations which have differing aims and objectives. Some of these organisations through their influence over police services affected Police Boards directly or indirectly. These organisations included but were not restricted to the Scottish Police Authorities Conveners Forum, Her Majesty's Inspectorate of Constabulary for Scotland (HMICS), Audit Scotland and the Accounts Commission, the Justice Committee, the Association of Chief Police Officers Scotland (ACPOS), the Police Complaints Commissioner for Scotland (PCCS) and the Scottish National Policing Board. A summary of these organisations and their functions is provided in Appendix I of this thesis for information.

Scott (2011, p.15) acknowledges this centralisation of police governance in Scotland but puts forward that although there has, latterly, been an increase in Government activity in policing in Scotland this is not necessarily a bad thing and, as Scott indicates, may provide *“a potentially better balance between legitimate political oversight and properly accountable policing”*.

Donnelly and Scott (2002) suggest a lack of transparency over the tripartite apportionment of police control, with the Police Board being in a weak position. This is exemplified in Scott and Wilkie (2001) where they point out in relation to the appointment of Chief Officers:

*“The way the tripartite works is that the key players are Central Government officials and Chief Constables with the local Police Board largely providing the rubber stamp”*

Scott and Wilkie (2001, p.58)

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Donnelly and Scott, (2002) argue that the divergence of Scottish policing governance from policing in England and Wales had become more acute since the 1990s through a number of legislative changes in England and Wales, which were not followed in Scotland. It was argued by Donnelly and Scott that these legislative changes in England and Wales had made the roles of the Police Authorities there more defined and easily understood. These differences are further discussed in Chapter 2 of this thesis. Donnelly and Scott (2005) also suggest that the lack of such legislative clarity in Scotland had led to an ambivalence and lack of transparency over the tripartite system functions. This is perhaps reinforced by what Jones and Newburn (1997) referred to as “*compliance culture*” where members find it extremely difficult or do not wish to challenge their Chief Constable.

The Scottish Government, the Association of Chief Police Officers in Scotland and representatives of Police Boards were of the opinion that the system of governance was generally working well (The Scottish Parliament (2008)). However, there have been concerns raised by the HMICS (2008), Independent Review of Policing in Scotland, over the governance of policing and in particular the role of Police Boards. Key findings from the review indicate concerns that Boards have very little influence over local policing decisions made through CPPs and SOAs. Boards had a lack of mandate to consider the national policing requirements and they had a lack of independent support to enable them to properly deliver the degree of scrutiny, challenge and accountability required. In addition Scott (2011) also indicates that the influence of the Justice Department and civil servants in day-to-day interaction between the police and the Government raised questions about who advised the politicians on policing policy. This was, perhaps, an echo of previous suggestions by Donnelly and Scott (2002):

*“There is much greater potential for intervention from the Executive, through Ministers, Civil Servants and the Inspectorate, and from Parliament's committees and individual constituency and list MSPs. To this must be added the weakened position of local Police Boards, which are now more diffuse in their composition and more limited in their capacity to fulfil their remits than before.”*

Donnelly and Scott (2002, p.13)

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Donnelly and Scott (2008, p.197) also raise concerns over whether the Police Board in Scotland was able to effectively carry out its duties and question whether the Police Board did have any actual influence over local policing or was mainly an advisory body. In an HMICS discussion paper on governance and accountability Laing and Fossey (2011) also point to the weaknesses in the governance of policing in Scotland.

In summary it is suggested that the main stance from the historical view of police governance in Scotland has, in general, been that the power over the police was not held by any single party. However there is a suggestion that this may be under threat. Walker (2000), amongst other scholars, points towards the centralising drift since the tripartite system which, Fyfe (2011) refers to as “*creeping centralisation*”. This is perhaps even more relevant when considering the implementation of a single Scottish Police Service.

## **Chapter 2**

### **Police Governance, Accountability and Scrutiny**

#### **2.1. Introduction**

The literature on police governance has been mainly with regards to policing in England and Wales; as such this chapter attempts to put forward further insights into police governance and focuses on the governance of the police in England and Wales with particular reference to Police Authorities. Although focusing on England and Wales much of the findings relating to police governance are also relevant to Scotland. This chapter commences by giving a brief overview of the thoughts of scholars on police governance, accountability and scrutiny (2.2.-2.3.). The chapter then provides a pen picture the Police Authorities in England and Wales (2.4.), before looking at contemporary developments for Police Authorities in England and Wales (2.5.). To give a wider picture of police governance the chapter then comments on comparisons to other United Kingdom police services and Authorities/Boards as well as three examples of international police services and their Boards (2.6-2.7.). The chapter finishes by discussing the matters introduced in the chapter with reference to scholars in police governance (2.8.).

#### **2.2. Police Governance in England and Wales**

Many historical reports have not considered policing in Scotland and suggest the commencement of organised policing was established in 1829 in London under the, then, Home Secretary Sir Robert Peel<sup>44</sup>. The Metropolitan Police Act 1829 led to the formation of the Metropolitan Police. This police service was uniformed and looked to prevent crime rather than detect it. The Act required the London parishes to pay for the police whilst the governance of the police came from Central Government through two Justices who reported to the Home Secretary. The Act was restricted to London

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<sup>44</sup> However as indicated in chapter 1 this was after the suggested commencement of organised policing in Scotland.



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and although some Burghs had commenced their own police Forces it was not until The County and Burgh Police Act 1856 that the creation of Burgh police Forces in England was made compulsory and put control of the Burgh police in the hands of Watch Committee and Justices.

Prior to the 1920s there was no legal barrier that prevented politicians from directing police officers in matters of general policy. Nevertheless, Lustgarten (1986) indicates that from the 1920s there was a growth in control over the police from Government through legislation and informal influence. At the same time as this apparent increase in central influence the Chief Constable also appeared to have increasing freedom. Both of these occurrences appeared to be at the expense of the powers of the local Police Authority over the police. The control over the police in England and Wales is outlined briefly below with particular reference to the tripartite system, constabulary independence, the influence of the Police Authority and the Government.

### **2.2.1. The Tripartite System**

The apparent lack of Local Authority control over policing in England and Wales led to a series of arguments concerning the constitutional position of the police. This ultimately led to a Royal Commission in 1962 to inquire into the constitutional position of the police. Although the Commission thought a national police service was “*not constitutionally objectionable or politically dangerous*” (Oliver 1987, p.222), Central Government control of the police was rejected by the Royal Commission in that it would prejudice police local relations. Following the Royal Commission, the 1964 Police Act was put in place. The Act set in place the main features of tripartite governance in England and Wales, consisting of the Home Secretary, Local Police Authority and the Chief Constable. The main aspects of the Act included the requirement of Police Authorities to maintain an adequate and efficient Force, provided the Chief Constable with direction and control of the Force and required the Home Secretary to promote the efficiency of the police.

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It has been argued that in England and Wales, as well as Scotland, the tripartite system has its flaws; Maguire et al. (2002) suggest an uneven power distribution amongst the partners which amid other factors leaves the Chief Constable fully in charge of operational matters. Although the Act was intended to clarify the relationship of the tripartite partners, Reiner (2000, p.188) argues that it failed to do so and left unclear or contradictory guidance for governance by the Police Authorities. It was also suggested that there was a lack of clarity of the power of the Authority to instruct the Chief Constable in matters of operational or police policy. In addition, the power of arbiter given to the Home Secretary meant that the power of the Police Authorities was diminished whilst that of the Chief Constable and the Home Office increased. An example of the lack of clarity was pointed out by Jefferson and Grimshaw (1984) who indicate that there was no definition given over what is meant by the term efficiency as it related to Police Authorities.

### **2.2.2. Constabulary Independence**

Walker (2000) puts forward that this doctrine of constabulary independence was central to the framework of tripartite governance. Walker posits that the key principle of policing in the United Kingdom was that it was executed through the principles of democracy. This was ensured by the principle of *'policing by consent'* where policing was carried out by the police for the people with their consent and support. This allowed for a regulatory framework that ensured policing in the United Kingdom was fair and enjoyed by all areas of society. The traditional view of this governance as put forward by Lustgarten (1986) is that of constabulary independence that the police should be answerable only to the law and the community and no individual party should hold police control. This notion of constabulary independence dictates that the Chief Constable is *"answerable to the law and the law alone"*. This puts the control of on-going police operations entirely in the hands of the Chief Constable without interference from Government or Police Authority. The notion of constabulary independence has mainly flowed from the judicial contribution to police governance. This was framed in case law in the 1968 Judgment by Lord Denning:

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*“Like every constable in the land, he [sic] should be, and is, independent of the executive... he is not the servant of anyone, save the law itself, no Minister of the Crown can tell him what he must, or must not, keep observations on this place or that he must, or must not, prosecute this man or that one. Nor can any Police Authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and the law alone.”*

Lord Denning, MR. (1968) R v Commissioner of Police; ex parte Blackburn 2 QB 118

However it must be remembered that case law itself is subordinate to the overall structure of police governance enshrined in statute.

### **2.2.3. The Police Authority**

There are questions as to whether the Police Authority is able to ensure its function and maintain an adequate and efficient Force. Lustgarten (1986) indicates there is a question over the power of the Police Authority and the commitment of the members to their duties. Nevertheless, Lustgarten does also add that this perceived lack of control is no worse or better for the police than it is for other organisations which local Councillors deal with:

*“the modern Police Authority is largely the preserve of the inactive and the conventional. Bereft of power to make policy, to direct officials or even discuss substantive matters..., most Police Authorities are pliant bodies whose members view themselves as a sort of cheerleader corps for their police Force.”*

Lustgarten (1986, p.87)

Lustgarten’s suggestion that perhaps the Police Authority is not carrying out the governance that it is expected to is particularly relevant when considering what Savage et al. (2000) see as a central issue in governance:

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*“A central issue of governance is the question of who or what shapes policing policy. This in turn is linked to the question of who should make or shape policing policy.”*

Savage et al. (2000)

Jones et al. (1994) report on a study of the nature and extent of Police Authorities in England and their influence over policy. It was found that the force for change over important policy issues came from parties external to the Police Authorities with little influence from the Police Authorities themselves. Not all Authorities, though, exerted little influence and it was noted that there was diversity in the amount of influence from different Police Authorities. Some of the reasons for the diversity of the Authorities given by Jones et al. were: the lack of activism of an Authority and its own constraint in its influence, the use of statutory powers by the Authority in confronting the Chief Constable, the type of Authority whether a unitary or Joint Board, the political make-up of the Authority, the size and structure of the Authority, and the information and expertise available to the Authority. The study however contradicted the predictions of authors such as Loveday (1987) and Lustgarten (1986) who suggested that single unitary Authorities would be most effective as their members would likely sit on a number of local committees and therefore have more interest in influence over policing policy.

In 2010 the HMIC thematic report into the effectiveness of police governance suggested that there was a fundamental difference in how the Police Authorities filled their role. A number of Authorities felt that there was a lack of clarity over their role; the HMIC inspection showed police Authorities had shown different practices in how they carried out their role and different understanding of the part they played in governance (APA, 2010, p.13).

### **2.2.4. Central Government**

Lustgarten (1986) indicates that although the Government holds great influence over policing, it did it without direct meddling in the constabulary independence of the

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Chief Constable. Nonetheless, this does not in itself mean that Government influence was not wielded. Lustgarten indicates that an example of how this can be done is by way of Circulars which, although non-legislative, are generally treated as binding. Scholars such as Walker (2000), Donnelly and Scott (2010) and Fyfe (2011), amongst others, have suggested that in the last 15 to 20 years there has been more of a centralisation of policing control towards Central Government.

Lustgarten (1986) also suggests that in England the police are permitted a degree of self-governance that is very much the minority amongst democratic nations. Although Lustgarten highlights the self-governance of the police, Jones (2008) posits that although policing should mirror the desires of the people as well as policing specialists, policing is “*inevitably and inescapably political*”. Jones also suggests that constabulary independence is under threat from “*the growing nationalisation of policing and the application of market based reforms*”. There has undoubtedly been an increase in influence over police governance and Stenning (2007) identifies four areas as the current trends for police governance in the United Kingdom:

- *Police-government relations are increasingly reflecting managerialism.*
- *There is a growing demand for more public accountability for police decisions and actions.*
- *Increasing support for clarity over principles of police governance.*
- *A growing demand for “community” involvement in police governance.*

Stenning, P. (2007)

Overall, there appears to be an increase in the centralisation of police control and that the control and ability that Police Authorities had to govern the police was, perhaps, limited. This raised questions over the governance of Police and the ability of Police Authorities to scrutinise and hold to account.

### 2.3. Accountability and Scrutiny of Police Governance

The police are provided with strong powers to enable them to do their duty. However, these powers can be abused and the accountability of the police is likely to be on the radar when high profile abuses of power are on the agenda. Although arguably limited in Scotland, there have been such instances in the past; high profile abuses of police power in England including the miscarriages of justice, such as those associated with the 'Guildford Four'<sup>45</sup> and the 'Birmingham Six'<sup>46</sup>.

A function of the governance of the police is to ensure that the police are accountable and that they are properly scrutinised. There is much written on accountability of the police and policing. This includes the historical origins, operational independence, legal accountability and democracy. Police accountability also comments on that of the individual constable and that apportioned to the Chief Constable.

What is meant by police accountability? The question, far less the answer, is perhaps more amorphous than anticipated. Savage (1984) and Lustgarten (1986) indicate that accountability had been increasingly interpreted with regards to political control over policing. In addition to the tripartite governance framework there is an array of other public bodies which require a public audit of police services. These bodies in England and Wales include, but are not limited to, HMIC, the Audit Commission, and the Association of Chief Police Officers (ACPO). In addition police services also have to respond to Best Value requirements, targets relating to Policing Performance Frameworks and Single Outcome Agreements amongst other forms of performance auditing. However, as Jones (2008) points out this external accountability will only be effective if the internal governance is effective. It is, therefore, questioned if the accountability of the police is seen to be effective. Arguably, when it came to conflict between the Police Authority and the Chief Constable, the Police Authority had the ultimate power of sanction over the Chief Constable to dismiss them. Yet, this

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<sup>45</sup> The Guildford Four were convicted of Guildford pub bombings of 5 October 1974 carried out by the IRA. The convictions were eventually quashed after long campaigns for justice.

<sup>46</sup> The Birmingham pub bombings took place on 21 November 1974 and were attributed to the Provisional IRA. The findings were subsequently decided to be unsafe.

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sanction has historically rarely been used in England and Wales and required the approval of the Home Secretary.

Day and Klein (1987) refer to accountability as a chameleon having many meanings including answerability, responsiveness, openness, efficient estate management and participation and obedience to external laws. Of course, accountability refers not only to accountability of the police organisation for its decisions and policies but also for decisions and actions of individuals. Rea et al. (2009) indicate that accountability is something that is required when the Government (or other body) makes decision on behalf of the people. This should result in an account being given for the actions and the Government (or other body) being held to account for those actions taken so that the public can rely that the body is acting in their best interest. Rea et al (2009), therefore, suggest the following questions. Who are police accountable to; how can we ensure that the police are accountable; do they do the job that they are required to do; and, are any arrangements that are put in place for accountability effective?

Jefferson and Grimshaw (1984) suggest that the legal framework of accountability is ambiguous but by including statute law and authoritative interpretations of the law we start to see a common thread throughout which is categorised as constabulary independence. Policing has perhaps a historical philosophy which it has grown up in, which the police are entwined in the community and are themselves from the community ensuring *'policing by consent'*. The police should be accountable to the community they serve and such accountability will give the police the confidence and authority of the community. The police, therefore, would have a responsibility to the community and not the political body in control of the country. This reflects the edict of constabulary independence in operational matters which clarified uncertainties from the Police Acts at that time, as prescribed by Lord Denning in his 1968 judgment on the powers of the Chief Constable.

The doctrine of constabulary independence is seen by Mark (1978) as central to the Police in Britain being *'the least powerful, the most accountable, and therefore the most acceptable in the world'*. Jefferson and Grimshaw (1984) indicate that the

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notion of constabulary independence is essential for us to understand the legal position of police accountability, but legal accountability is not essentially the only form of police accountability.

Carrabine et al. (2004) put forward three models for the accountability of the police. These are legal accountability, political accountability and managerial accountability. According to Jones and Newburn (1997, p.13), legal accountability relates to the legal limits laid down by law to police powers. In other words, as stated by Lord Denning in 1968, the police should be “*answerable to the law and the law alone*”. The argument for this accountability highlights that it offers police independence of decisions above narrow government or community will. But, this does not always provide a full accountability. It is argued by Lustgarten (1986, p.85) that it is the accountability of the police that is the issue and not their freedom to make the decisions and the only real way that the effectiveness of the Police Boards/Authorities can properly be measured is to benchmark them against other Police Board/Authorities.

HMICS (2007) emphasise that this autonomy on operational policing matters does not extend to operational priorities, strategies and policies. The law is routinely changed to meet absences in retrospective safeguards but this does not guarantee that the new law will render police fully accountable. Carrabine et al. (2004) give examples of continued police bending of justice even after the introduction of PACE<sup>47</sup> in England.

Jones (2008) also suggests that there are other factors that can influence accountability of policing including the overseer function provided by the media along with openness and transparency of the political process and bodies. It has also been argued that to give the police the confidence and authority of the public they should be accountable to the public. Jones indicates that what is meant by the public is unclear as arguably there can be many different organisations or positions that purport to hold public opinion. There is also evidence from Docking (2003) and Ipsos MORI (2010) that there was little public knowledge of Police Authorities. This, therefore, raises the question of how could Police Authorities or Police Boards be accountable to the

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<sup>47</sup> The Police and Criminal Evidence Act 1984, this set out the powers and procedures for police in England and Wales with regards to investigation of offences, arrest and detention.



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public, if the vast majority of the public had never heard of them? Of course, the police itself can be accountable to the public through the mechanisms in place for complaints against the police and further appeals processes.

Managerial accountability has recently been a prime movement in policing governance. Reviews and changes that have taken place, amongst others, included policing objectives and performance indicators. In the main reviews in England and Wales were instigated by Central Government including HMIC and the Audit Commission inspections. Given the amount of tax payers' money that flows into policing from Central Government, it is unsurprising that the Government has a major influence in the overview of police use or resources. Performance management has been a major theme for police services, which, since its introduction in England and Wales has grown under the supervision of HMIC into what is now the Policing Performance Framework. Reviews reflecting on Police Authority accountability in England and Wales included the 2010 Audit Commission and HMIC thematic inspection of Police Authorities in England and Wales. This included a probe of the Police Authorities management of both, their own, and their Force's scrutiny. The review of the first ten inspections suggests that although most could be classed as adequate there was a variety of effectiveness between Authorities. It was found that most Authorities performed their statutory duties to some extent but most relied overly on the "*Chair and a few stalwart members*". The report also identified areas to improve effectiveness:

*"Police Authorities could perform more effectively by focusing on setting clear strategic direction for policing which reflects the views of the public and securing the best possible value for money with whatever resources they have."*

HMIC and the Audit Commission (2010, Para 52)

One of the difficulties faced with measuring accountability is what is meant by efficiency. Lustgarten (1986, p.76) suggests that the meaning of the term is very vague although it has, over time, been seen to be applied to police Forces as ability to solve crimes, maintain order, use equipment and technological aids cost effectively and

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ensure trained personnel are available. This has led to the growing influence of the evolution of cost consciousness and, perhaps, influenced by Best Value. A further essential point of efficiency which Lustgarten (1986, p.77) alludes to is that of local consultation as, without public cooperation, the police will not succeed in their policing endeavours. Lustgarten further suggests that efficiency does not cover questions on policies, priorities and attitudes of the Chief Constable and the Police Board/Authority. This may, therefore, make it difficult to measure Police Board/Authority accountability.

The result of the apparent increase in the prominence of police accountability has meant that the police have been under increasing scrutiny. Donnelly and Scott (2005) suggest that with ever increasing bureaucracy from public bodies in Scotland, MPs, MSPs and elected officials, the police are now under greater accountability than ever. It has been indicated above that the police should have accountability to the community. It is, therefore, relevant to ascertain what the community wish from the police in regards to accountability. Ipsos MORI (2010) reports on research carried out to gauge public attitudes to police accountability in England and Wales. Key findings of the 2010 research include:

- *A general desire for greater visibility in police accountability.*
- *A strong preference for a visible and named figurehead for police accountability in each area.*
- *The need for independence.*
- *A structure similar to that currently in place, or through a named-individual plus a scrutiny panel.*
- *Concerns were raised over the possibility of divisive or corrupt candidates.*
- *Concerns were raised about the cost burden of a formal election process.*

Ipsos MORI (2010, pp.2-3)

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There are different models of what makes up a Police Board /Authority throughout the United Kingdom and abroad, these include differing combinations of elected and independent members. Rea et al. (2009) consider the governance and accountability of the Police Authorities in England and Wales, Northern Ireland, Republic of Ireland, France and The United States. The review came to the conclusion that there is no clear evidence to suggest that the American model of direct appointment to the Police Board by the mayor was any more accountable, or representative, than others. The review identified three elements as important for assessing police accountability:

- *confidence in the community that the police service is accountable;*
- *that the chief officer is seen to be held account for decisions he or she makes;*
- *governance arrangements are in place are seen to support the police in providing effective and efficient policing to the communities they serve.*

Rea et al. (2009, p.25)

It must also be remembered that Police Authority/Board members were political appointees, elected at the whims of the voters. As such they may have felt inclined to respond to their political party position or to media pressure over matters rather than to make the best decision. In addition to elected members the Police Authorities in England and Wales include lay members; the Ipsos MORI (2010) report also indicates what mattered more to participants in terms of lay involvement and included:

- *being able to feedback their experiences and opinions on crime in their local area to Police Officers through regular meetings, which those holding the Police to account would attend;*
- *making sure community members are in some way represented on an advisory or scrutiny panel, possibly through a process of election; and,*

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- *making sure the voices of key lay individuals are included in decision-making. This included groups such as victims of crime and young people.*

Ipsos MORI, (2010, p.3)

In addition to the above, in response to the austerity measures identified for police services, HMIC (2010) carried out a thematic review of the effectiveness of police governance for police Forces in England and Wales. The characteristics HMIC associated with good and poor governance from the Authorities are highlighted in Table 2.1 below and are worthy of consideration.

**Table 2.1 Characteristics Associated with Good Governance**

<b>Good Governance</b>	<b>Poor Governance</b>
Greater role clarity	‘Traditional’ interpretation of role
Clearer division of responsibilities with the Chief Constable	Confusion over Chief Constables remit
Distinctive value for money challenge	Lack of focus on key priorities
Balanced performance	

HMIC (2010, pp.33-34)

It has been indicated that the main job of Police Authorities/Boards include scrutiny and overview. What is meant by scrutiny? The centre for public scrutiny which is an independent non-profit body<sup>48</sup> defines scrutiny as:

*“the activity by one elected or appointed organisation or office examining and monitoring all or part of the activity of a public body with the aim of improving the public services”.*

<http://www.cfps.org.uk/introduction-to-scrutiny>

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<sup>48</sup> <http://www.cfps.org.uk/introduction-to-scrutiny/>

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Scrutiny is to be seen to be in place to ensure that decisions are clear and accountable. Police Authorities in England and Wales have been overviewed in more depth than Boards in Scotland and are worth considering for any points of good practice that can be garnered. One of the main areas of scrutiny in Police Authorities in England and Wales was in being open to public scrutiny. Part of that included the monitoring of the Authority through its annual policing plan and a statutory duty to consult with the public before setting their policing objectives. In his document on police accountability, in 2009 the Home Secretary, the Right Honourable David Blunkett, commented on the need for Police Authorities to be more sharply focused on scrutiny of the police<sup>49</sup>.

### **2.4. Police Authorities in England and Wales**

Having discussed governance, accountability and scrutiny of the police, this section briefly looks at the governance that was in place for police Forces in England and Wales prior to the introduction of Police and Crime Commissioners in 2012. The information will also provide a comparator for Scottish Police Boards. England and Wales had 43 geographic Police Authority areas<sup>50</sup> which, excluding London Police Authorities, were governed by The Police Authority Regulations 2008. The make-up of the Police Authorities is further developed in Appendix N for information and comparison to Scottish Police Boards. Unlike Scotland the Police Authorities in England and Wales comprised of both elected members and independent appointed members.

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<sup>49</sup> Blunkett, Rt. Hon. David, MP. (2009, p.33).

<sup>50</sup> Avon and Somerset Police Authority, Cambridgeshire Police Authority, Cheshire Police Authority, City of London Police Authority, Cleveland Police Authority, Cumbria Police Authority, Derbyshire Police Authority, Devon and Cornwall Police Authority, Dorset Police Authority, Durham Police Authority, Dyfed-Powys Police Authority, Essex Police Authority, Gloucestershire Police Authority, Greater Manchester Police Authority, Gwent Police Authority, Hampshire Police Authority, Hertfordshire Police Authority, Humberside Police Authority, Kent Police Authority, Lancashire Police Authority, Leicestershire Police Authority, Lincolnshire Police Authority, Merseyside Police Authority, Metropolitan Police Authority, Norfolk Police Authority, North Wales Police Authority, North Yorkshire Police Authority, Northamptonshire Police Authority, Northumbria Police Authority, Northern Ireland Policing Board, Nottinghamshire Police Authority, South Wales Police Authority, South Yorkshire Police Authority, Staffordshire Police Authority, Suffolk Police Authority, Surrey Police Authority, Sussex Police Authority, Thames Valley Police Authority, Warwickshire Police Authority, West Mercia Police Authority, West Midlands Police Authority, West Yorkshire Police Authority, Wiltshire Police Authority.

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As is the case in Scotland, policing in England and Wales is also reviewed by agencies such as Her Majesty's Inspectorate of Constabulary (HMIC) and the Association of Chief Police Officers (ACPO). These are comparable to similar organisations in Scotland which are highlighted in more detail in Appendix I. In addition in England and Wales prior to the implementation of Police and Crime Commissioners there was the Association of Police Authorities and the National Policing Improvement Agency which are also illustrated in Appendix I.

### **2.5. Contemporary Developments for Police Authorities in England and Wales**

In 2008 there were proposals from the United Kingdom Government for further reform of Police Authorities in England and Wales<sup>51</sup>. It was suggested that there should be introduced a method of creating a more democratic link between the governance of policing and the public through changing the way that members are elected to Police Authorities. This was to be done by holding direct elections of members to Police Authorities who would sit on their Crime Disorder Reduction Partnerships (England) and Community Safety Partnerships (Wales). It was intended to retain at least one Council member to maintain the Local Authority link.

Although this proposal was opposed by APA and subsequently removed by the government it still remained on the edge of consideration. The 2007-2008 consultation paper<sup>52</sup>, suggested several options for future reform of Police Authorities in England and Wales. The Government's response to the consultation paper<sup>53</sup> welcomed changes in future reform of Police Authorities in England and Wales:

*“Police Authorities in their current form are under-resourced and relatively unknown to local people. Therefore, we support reform in this area.”*

Policing in the 21st Century (2009, p.4)

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<sup>51</sup> *From the Neighbourhood to the National: Policing our Communities Together*, Home Office (2008).

<sup>52</sup> House of Commons, Home Affairs Committee, *Policing in the 21<sup>st</sup> Century, 7<sup>th</sup> report of session 2007-08*, Volume 1, The Stationary Office, The Stationary Office Ltd.

<sup>53</sup> *Policing in the 21<sup>st</sup> Century (2009), The government reply to the seventh report from the home affairs committee*, Session 2007-08, hc 364, The Stationary Office.

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In July 2010 the Rt. Hon. Theresa May, MP, Home Secretary, indicated the Government's intention to put forward the Police Reform and Social Responsibility Bill setting out the intention to radically change the way that governance of the Police in England and Wales was ensured. The Bill indicated the intention to remove the Police Authorities completely and replace them with elected Commissioners who would appoint and lead their own team. There was also the intention to change the role of HMIC, making it more independent from the Government and police, to ensure a greater scrutiny role on behalf of the public.

A Police and Crime Panel was to be established in each police Force area in England and Wales in order that it would hold the Police and Crime Commissioner to account. The panel was proposed to include a minimum of 10 Councillors and two co-opted members. The Police Reform and Social Responsibility Act (2011) was subsequently passed. The first elections for Police and Crime Commissioners were held in England and Wales in November 2012. Their main responsibilities are similar to those that were undertaken by Police Authorities<sup>54</sup>.

Due to the recent establishment of the Commissioners in England and Wales, at the time of this thesis, they are not discussed further. However it was noted that during the elections for the Commissioners some of the policing areas reportedly had poor voter turnout at around 10%. This does not help to answer questions over public awareness, but perpetuates the impression that the public has little knowledge of, or was apathetic to, Police Boards/Authorities/Commissioners.

### **2.6. Other United Kingdom Police Services and Boards**

In addition to the Police Authorities and Boards in England, Wales and Scotland there were specific police services which covered different functions and areas. These included Northern Ireland, the Ministry of Defence, Civil Nuclear sites and British Transport. The governance of these police services is discussed briefly in Appendix J

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<sup>54</sup> *Police and Crime Commissioners: a guide for councils*, (2011) Local Government Group.

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of this thesis. As can be seen from the summary of these police Forces there is a variety governance arrangement's for these different policing areas. All are governed by a Board, Committee or Authority; however, the profile of the governance body varies. This variance includes governing bodies comprising:

- A mixture of political members and independent members.
- A mixture of independent members, police advisers and Force officials.
- Members appointed by the Secretary of State.
- Members appointed by the Secretary of State from a list of recommendations from industry and a police adviser.

Source: researcher's overview, Appendix J

### 2.7. **Examples of International Police Services/Boards<sup>55</sup>**



It is not only British police organisations that have differing governance structures, police organisations throughout the world are organised in a variety of ways. Some countries have National, regional or local police services and some have a combination of each. In order to get a wider view of policing governance in different democratic institutions, examples of differing police service/Police Board relationships are illustrated in Appendix M of this thesis. Canada, Sweden and New Zealand were chosen for this review as they are all democratic countries and offered a

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<sup>55</sup> As at 2009 during the research for this thesis.



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range of police governance which is reflected upon below. In addition, the researcher was able to obtain the information in English through a web based research without having to revert to language translation or additional research and travel that would be beyond the remit of this PhD research project.

Differing countries, even those which are democratically governed, can have differing ways of operating and governing their police. Policing in Canada, for example, is the responsibility of three different levels of Government, Federal, Provincial/Territorial and Municipal. In addition, in Canada, First Nation Communities<sup>56</sup> may also have their own police service. The costs of policing are spread over these formats although communities may elect to choose all or selections of these policing agencies. The governance of each police service also varies with differing levels of policing resulting in diverse forms of governance. In general Provincial and Municipal police services have Police Boards; however, the RCMP does not. The RCMP operates under the direction of the Minister of Public Safety Canada and in accordance with the Royal Canadian Mounted Police Act<sup>57</sup>. The Commissioner of the RCMP has control and management of all aspects of the operation of the service<sup>58</sup>.

On the other hand, Provincial and Municipal police services provide governance for the running of their respective police services. Provincial statutes are in place to ensure the provision of Police Boards for Municipal police services. The Police Boards are comprised of members appointed by the Council (although not a Councillor) in accordance with the respective Province/Territory Police Act and HRM Bylaws, the Chair for example in British Columbia is the Mayor.

Sweden has a national police service. The governance of the police in Sweden is split amongst several different bodies who share the responsibility for supervision of the police. These include The Office of the Parliamentary Ombudsmen, The National Audit Office, The Office of the Chancellor of Justice and The National Police Board. The National Police Board performs some similar functions to Police Boards in the

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<sup>56</sup> Refers to aboriginal communities throughout Canada.

<sup>57</sup> Royal Canadian Mounted Police Act (R.S., 1985, c. R-10).

<sup>58</sup> [http://www.rcmp-grc.gc.ca/about/organi\\_e.htm](http://www.rcmp-grc.gc.ca/about/organi_e.htm).

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United Kingdom although its remit also extends into operational matters. The National Police Board is responsible for coordinating and supervising the police and deciding how the funds allocated by the Government are distributed to the police services. The National Police Board is also responsible for planning and coordination of police response to special incidents.

New Zealand also has a national police service headed by the Commissioner although it is divided into 12 geographic districts each with its area of responsibility presided over by a superintendent. The Commissioner reports to the Minister of Police who has a role in consulting the Commissioner over Police's operational requirements, and allocating resources for specific initiatives. The Minister also provides direction to the Commissioner on overall police resourcing, and matters of administration that do not directly affect the Commissioner's operational policing duties.

Oversight of the Police in New Zealand is also provided by Parliamentary select committees, independent office holders like ombudsmen and the Controller and Auditor-General, and via residual powers such as the Government's ability to order ministerial inquiries and establish commissions of inquiry<sup>59</sup>.

### **2.8. Discussion**

The main literature on police governance relates to policing in England and Wales; as such the focus in this chapter has been to primarily look at governance of Police Authorities in England and Wales.

The main focus of police governance in the United Kingdom since 1964 was the tripartite system, a three way sharing of police control between Central Government, Local Authority and the Chief Constable. Along with the doctrine of constabulary independence, that the police should be answerable to the law and the law alone, this has since underwritten governance of the police service in the United Kingdom. This position of policing has been heralded as arguably a leading example in world

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<sup>59</sup> New Zealand Police (2008).

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policing. However, this does not mean that the governance of policing in the United Kingdom does not have its flaws.

This chapter has suggested that the tripartite system image of the sharing of police governance in England between the Local Authority, the Chief Constable and Central Government was no longer equal. Maguire et al. (2002, p.1016) point out that the power distribution amongst the tripartite partners leaves the Chief Constable in total charge of operational matters. In addition commentators such as Reiner (2000) suggest an increase in centralisation of the governance in the United Kingdom. The power over policing governance was suggested to be slipping away from the Local Authorities. Lustgarten (1986) and HMIC (2010) amongst others suggest that the Police Authority was the minor partner in the tripartite system and may not have been carrying out the governance that it was expected to. A similar picture for Scotland was also submitted in Chapter 1 of this thesis where successive Government enactments have been suggested to have eroded the tripartite sharing of police governance. It has also been argued by commentators including Reiner (1993) and Maguire et al. (2002) that there has been an apparent growth in Government influence through the likes of HMIC and the Audit Commission.

Jones (2008), however, suggests there were also challenges to Central Government control including the arrival of the edict of constabulary independence. This notion of constabulary independence dictates that the police are “*answerable to the law and the law alone*”.

Although there has been legislation in England and Wales since the 1990s, which helped to define roles of Police Authorities, there was also the impression that there was a lack of clarity over the functions of the tripartite partners. In addition to the apparent lack of clarity over the functions of Police Authorities questions have also been posed over the ability or commitment of Authorities to carry out their duties. Jones and Newburn (1997) suggest a compliance culture in Police Authorities where they did not wish to challenge the Chief Constable, whilst Lustgarten (1986) indicates questions over the commitment of Police Authority members to their duties. This is

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particularly relevant when considering what Savage et al. (2000) see as a central issue in governance as “*who should make or shape policing policy*”.

The perceived lack of influence by Police Authorities was not generally publically highlighted; of course the veiled lack of Authority control over policing may suit what Walker (2000, p.191) refers to as “*the long centralising drift*”. Reiner (2000) suggests that maintaining the illusion of a tripartite, shields the Government from responsibility when things go wrong.

*“Why should any Government relinquish a position which gives it power without responsibility? This is after all an ancient if un-royal prerogative. The myth of a tripartite structure of Governance for essentially local policing, with constabulary independence for operational decisions, is useful for legitimising a position of de facto national control.”*

Reiner (2000)

Accountability of the police has mainly been through review, audit and performance management. But there is a question over who the police should be accountable to. Recently, managerial accountability has been a leading player in policing governance. Donnelly and Scott (2010) suggest increasing bureaucracy from public bodies in Scotland means greater accountability for police than ever. There are several organisations that purport to scrutinise or hold the police accountable in England and Wales, such as the Home Office, HMIC and ACPO. These organisations although purporting to be independent report to Central Government and, therefore, Central Government can be seen to take a major influence in the overview of police accountability. In England and Wales one of the main areas for scrutiny of Police Authorities has been put forward as their openness to public scrutiny.

England, Wales and Northern Ireland have similar but differing structures to police governance and overview than that of Police Boards in Scotland. This is similar for other police Forces out-with the United Kingdom and Chapter 2 focused on Canada, Sweden and New Zealand. These countries were chosen as primarily providing a

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variety of policing systems which include a country with policing divided over national, Provincial/Territorial and Municipal jurisdiction. As above, these forms of policing also include differing forms of governance. Oversight ranges through public elected officials, government appointed representatives and legislative control.

The governance of the police in the UK is undoubtedly in the process of change as indicated above and in Chapter 1. It is clear that there is a large diversity in the way that policing governance can be operated and it is suggested that examples of each could be considered for any future reform or improvement of police governance in Scotland. In order to obtain a better understanding of governance Chapter 3 expands from policing and looks at the wider aspects of governance and in particular the governance of corporate boards.

## **Chapter 3**

### **Theories of Governance and the Role of Boards**

#### **3.1. Introduction**

In recent years there has been an increased interest in organisational governance and accountability generally, this was largely first seen in the private sector and has extended to the public sector. This chapter attempts to give an insight into what is meant by governance, expanding on the insight of the governance of the police given in Chapters 1 and 2 of this thesis. In doing so, this chapter takes a wider view of governance away from that of policing and focuses mainly on corporate governance.

This chapter commences by examining what governance is and gives examples of different types of governance (3.2.). The chapter then introduces where boards fit into governance and what their purpose is (3.3.). The overview of boards considers the profile of boards and looks at the effectiveness of the board (3.4.). The chapter also looks at aspects that can have an influence on the board effectiveness such as management of committees and minutes, availability of information, support staff and training and development of board members (3.4.1.-3.5.). The chapter then gives an overview of board scrutiny (3.6.). Finally, the chapter brings together comments from Chapters 1 to 3 and identifies research questions posed by the background information (3.7.-3.8.).

#### **3.2. What is Governance?**

There is a distinction between governance and management although this distinction is often not made. In management there is generally seen a hierarchy of decision making, with one person at the top of the management pyramid having overall responsibility, although responsibility is often delegated downwards in the hierarchy as well. The board is responsible for directing not managing; although there have been

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numerous examples of what governance is, some of which are illustrated below; the main function of the board can generally be seen as scrutiny and oversight.

The general rule of governance as a model of rule or of the action of ruling, has a long history, and can be traced as far back as medieval references by Geoffrey Chaucer (1343-1400). Recently, the study of governance has come to the fore with reforms of the public sector in the 1980s and the introduction of '*New Governance*'<sup>60</sup>, which had predominance towards an increase in non-state practitioners in public policy and democracy. Two thoughts on what governance is are defined below by Harper (2007) and Cadbury (2004):

*“the accomplishment, manner or system of directing and controlling the policies, functions and actions of an organisation”*

Harper (2007)

*“The governance framework is there to encourage the different use of resources and equally to require accountability for the stewardship of those resources. The aim is to align as nearly as possible the interest of individuals, corporations and society.”*

Cadbury (2004, p.2)

Huse (2007) puts forward four broader definitions of corporate governance labelled as '*managerial*', '*shareholder supremacy*', '*stakeholder*' and '*firm*'. The perspective from the '*managerial*' definition is that the main area of accountability of board members is to develop the concerns and ideals of the management. In the '*shareholder supremacy*' definition the shareholders' concerns are the main area of accountability for the board. This primarily concerns the sum of the dividends plus the market value. The '*stakeholder*' definition takes a broader perspective than the shareholder definition and looks more to the differing parties or stakeholders that have a concern in the operation of the firm. In the '*firm*' definition the focus is on the independence of

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<sup>60</sup> Associated with changes in the state following the public sector reforms of the 1980s and 1990s.

the board and how the board deals with both interested parties from within and outside the firm.

Tricker (2009) reports on a number of other competing theories from different outlooks that have been used to explain governance in the private sector. These theories include '*agency theory*', '*stewardship theory*', '*resource dependency theory*', '*a democratic perspective*', '*stakeholder theory*', '*managerial hegemony theory*' and '*a paradoxical perspective*'.

### **Agency theory**

This theory has been put forward by Tricker (2009) as the main theory of governance and has the assumption that the owners (the principal) and the managers (the agent) will have differing aims. The theory sees the idea of governance is to ensure that the management of the company works in the best interests of the shareholders and, therefore, the main job of the board, here, is seen as safeguarding the owner's interests and overseeing the managers. It is, therefore, suggested that for this reason the majority of those on the board should not be in a management position and should be independent and may generally be the owner's representatives.

### **Stewardship theory**

The stewardship theory has as its assumption that the managers of a company have a desire to work well for the company and do the best they can. The managers desire to be effective stewards of the resources of the company. The board, therefore, is likely to be made up of experts in the field and would be seen more as working in partnership with the managers to improve performance and the strategic direction of the company.

### **Resource dependency theory**

This theory looks to the organisation relying on other actors or organisations for resources that they need and concentrating on managing this dependency on the outside agency. In this theory the main function of the board is to ensure that the resources from the outside agency are maintained through keeping a good relationship



with these main stakeholders. Board members may, therefore, be selected for the contacts that they can bring to the company to maintain the flow of resources and information they need from the outside organisation.

### **A democratic perspective**

The perspective is based on the idea of a democratic system where any member of the electorate is qualified to put themselves forward for election to the board. The job of the board, therefore, is the representation of the electorate and to decide between all interests on the best policy. In general the board would be made up of lay members.

### **Stakeholder theory**

The main tenet of this theory is that the organisation should not only be responsive to its own needs but also responsive to a range of needs of differing stakeholders. This results in boards including a range of different stakeholders into the board so that the board is able to adopt the wider outlook of a number of stakeholders. An example of such a system is seen in some school governing bodies where parents, staff, students, local residents, local authorities etc. are all represented on the board.

### **Managerial hegemony theory**

The theory is based on the idea that in many large entities (although it is also relevant for public and non-profit organisations) the shareholder no longer has a say in the company and that the management of the company is in the hands of professional managers and the chief executive. Here, the board generally is symbolic and has little to do with the strategy of the company and, generally, will be a symbolic rubber stamp for the managements decisions and will only become involved in times of crises.

### **A paradox perspective**

In reality these models of governance do not necessarily exist in a real form but are more realistically thought of as ideal types. It is argued by Cornforth and Edwards (1998) that most boards take different aspects of the models and result in a form of governance that is a result of the tensions between the models and is 'paradoxical'.

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Bevir (2009, p.16) also emphasises that what is meant by the term governance is not fixed and varies with both the general level of use and the theoretical level. Bevir, therefore also put forward a number of theories to describe governance including '*rational choice*', '*the new institutionalism*', '*systems theory*', '*regulation theory*' and '*social constructivism*'.

### **Rational choice**

The main premise of rational choice is that people will wish to improve their own agenda. This does not mean that people are intrinsically selfish but that people will make their choices and decisions on their own preference. Critics of this theory, however, point out that individuals are the product of not only individual but also social interactions and that sub conscious also has a part to play in decisions.

### **The new institutionalism**

This was the approach focused on areas that included the rules, systems organisations, behaviours, norms habits and customs. The focus was on how the institutional principles created the way that an organisation is governed.

### **Systems theory**

Perhaps more an abstract concept than a theory, systems theory is seen as a metaphor to describe a complex number of parts which make up the whole. It is, therefore, mainly about looking at the individual parts and examining how they relate to the other parts and the whole. The difficulty with the theory for reviewing governance is to look at it in more than a metaphor for the analysis of the whole system.

### **Regulation theory**

A Marxist approach to looking at governance which argues that capitalism is an unstable system. The approach thereby looks at the way that the capitalist system manages to regulate itself and maintain a form of stability.

### **Social constructivism**

The theory centres on the idea that social reality is a result of a number of interactions, including knowledge, beliefs and meanings. Hence, there is a suggestion that

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decisions thought to have been rational choices may have been influenced by traditions or cultures. As a result governance might be approached in different ways by different views of constructivism.

Bevir also indicates that although there is no universal definition of what good governance is, he does put forward a wish list for good governance which was produced by the United Nations Development Program (1999):

- *Equality of participation in decision-making.*
- *Responsiveness to stakeholders.*
- *Attempts to secure a broad consensus.*
- *Accountability to stakeholders.*
- *Transparency in decision making.*
- *The rule of law.*
- *The productive use of resources.*
- *Guaranteed rights.*

Bevir (2009, p.92)

Although the list above is not directed at policing, each of Huse, Tricker and Bevir's theories as well as the good governance wish list could be considered in an overview of policing governance. Gillan (2006) adds to the definition of governance above and puts forward two broad classifications of influence on corporate governance as Internal and External. Although identified for corporate governance it is suggested that these classifications as per Huse, Tricker and Bevir could also be appropriate, where applicable for Police Boards. Each of Gillian's internal and external

classifications was seen to have a further five categories. These classifications are indicated in Table 3.1 below.

**Table 3.1 Examples of Governance Influence**

<b>Internal</b>	<b>External</b>
The Board of Directors (and their role, structure, and incentives)	Law and regulation, specifically federal law, self-regulatory organisations, and state law
Managerial Incentives	Markets 1 (including capital markets, the market for corporate control, labour markets, and product markets)
Capital Structure	Markets 2, emphasising providers of capital market information (such as that provided by credit, equity, and governance analysts)
Bylaw and Charter Provisions (or anti-takeover measures)	Markets 3, focusing on accounting, financial and legal services from parties external to the firm (including auditing, directors' and officers' liability insurance, and investment banking advice)
Internal Control Systems	Private Sources of External Oversight, particularly the media and external lawsuits

Gillan (2006)

Table 3.1 above is only one view of what governance structures could be put in place but it is one that Gillan indicates he finds useful to illustrate governance. Gillan suggests that these illustrations of governance may interact and governance research should overview the effect of multiple levels of governance. There has, however, been little overview on the interaction of multiple levels of governance and it is an area that is relevant to consider for policing governance.

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Although there are many theories, as indicated above, which purport to explain governance there is no dominant theory that ideally translates to policing governance. The theories of governance suggested are, in general, ideal models and do not necessarily translate to real situations. However, as indicated by Cornforth and Edwards (1998) it is suggested that in reality a paradox perspective is generally adopted by considering a mixture of many models when attempting to put forward a governance framework that best translates to policing governance.

When governance is viewed it appears that the main default mechanism for overview and scrutiny is the board. This research examines Police Boards in Scotland and, therefore, it is considered appropriate to look at the boards and their governance in more depth. This chapter will also comment on both internal and external influences to the boards.

### **3.3. Governance of Boards**

A substantial proportion of research into boards has been conducted in respect of the governance of corporate boards; Tricker (2009) indicates that the board has four main functions which he suggests are '*accountability*', '*strategy formulation*', '*supervising executive activities*' and '*policy making*'.

In most democratic countries the principal role in corporate governance is generally seen as being carried out by the board and there has been much research carried out into the board of directors. Kosnick (1987) reports that the board was seen as a control mechanism with early American Marxist sociologists branding the board as a platform for the upper-class to ensure that it maintains its ruling position. Kosnick also suggests that the multiple board membership of some board members could lead to an informal coordination of corporate activities.

The Chartered Institute of Public Finance Accountants (CIPFA) (2008) presents a guidance note for Scottish Local Authorities. The report includes assessment questions for governors and governing bodies as well as members of the public and

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their representatives. This put forward six core principles of good governance<sup>61</sup> developed by the Society of Local Authority Chief Executives (SOLACE) and CIPFA.

The principles focus on:

- *The organisation's purpose and on outcomes for citizens and service users.*
- *Performing effectively in clearly defined functions and roles.*
- *Promoting values for the whole organisation and demonstrating the values of good governance through behaviour.*
- *Taking informed, transparent decisions and managing risk.*
- *Developing the capacity and capability of the governing body to be effective.*
- *Engaging stakeholders and making accountability real.*

CIPFA (2004, pp.31-32)

Typically in the UK, the company has a unitary board whereby it consists of directors who may be company executives, along with non-executive directors. This contrasts to some other countries which may have a system of two tiers of boards where a second board is a supervisory board. The possible difficulty with the unitary board is the conflict for board members to hold executive members of the company, who are also board members, to account. This could mean the executive members in essence policing themselves. Provisions to prevent this in the UK have included The Cadbury Report (1992) which looked into the structure and systems of governance and developed a code of best practice for corporate governance, and the Higgs Report (2003) which looked at the role and effectiveness of non-executive board members.

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<sup>61</sup> Independent Commission for Good Governance in Public Services, (2004) *The Good Governance Standard for Public Services*. Independent Commission for Good Governance in Public Services.

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When it comes to the governance of Councils or elected boards as was the case with Police Boards it must be borne in mind that they are different from corporate boards, members are elected individually. Councils are rigorously regulated and the board CEO relationship does not strictly apply although some parallels may be drawn in the Police Board/Chief Constable relationship. Carver (2006, p.347) suggests that these differences, although making it difficult to fully apply, do not make it impossible to incorporate good governance principles into Council or independent boards.

Nonetheless, a recent report on the role of boards by Audit Scotland (2010) suggests that even with this and other Scottish Government guidance there is still a lack of a clear indication of what the role of the board of a public body is.

### **3.3.1. Strategy Formulation**

Although most people may think that policy formulation is the responsibility of top management, Tricker (2009) argues that the board of directors are there to 'direct' the company towards reaching its goal. This strategy setting may be put in place in different guises such as long range strategic planning where the board may take a helicopter view and look to plan three to five years ahead. This form of strategy formulation can have its drawbacks where unforeseen circumstances can be disastrous such as the 2008 financial crisis. Another view of strategy planning more widely adopted is that of the SWOT analysis where the strategy looks to link internal and external factors through an examination of **S**trengths, **W**eaknesses, **O**pportunities and **T**hreats. The strategic board needs to understand the environment in which it operates and the competition which it faces.

Unless there is a policy or plan in place then the strategy will remain unfulfilled. Tricker (2009) describes the policies of a board as the rules, systems, procedures and plans that guide and constrain the executive management and are essential to follow the set strategy.

### **3.3.2. Accountability**

According to Huse (2005) accountability is about aligning actual board task performance to board role expectations. It is essential that the activities of the executives are monitored and most corporate bodies use regular financial and accounting measures as the main area of performance monitoring.

Who is the board accountable to? In general in the corporate world it is the members of that corporate body. This may be shareholders or persons with voting rights. For most directors they have a duty under most national legislation to ensure that they do the best for their company. Not only are boards today expected to show an audited story of their accounts but are also expected to indicate the history behind the accounts and provide a prediction for the future.

This duty of accountability is, according to Huse (2005), the starting point for accountability in the boardroom. To create accountability it is necessary to look at boardroom behaviour and identify its culture, structures and norms and interaction as important elements. These boardroom processes have been formalised through influence by studies such as The Higgs Review (2003). However, formal or informal processes in place in the boards including its leadership may have an effect on this external formalisation. Westphal and Zajac (1998) suggest that even though the boards adapt their rules and structures to meet these outside pressures their actual practice is designed to meet the internal needs of the “actors”.

### **3.4. Board Effectiveness**

There is a multitude of information available for advising the effective operation of boards. Audit Scotland (2010) reviewed some of this guidance and formed the view that to operate well the board must:

- *Provide leadership to their organisations.*



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- *Set the organisations' strategic direction within the context of Scottish Ministers' policies and priorities.*
- *Scrutinise and monitor the organisations' performance.*
- *Display integrity in how they behave and how they make decisions.*
- *Be open and transparent.*
- *Regularly review how they operate.*
- *Not become involved in the daily running and operation of the organisation.*

Audit Scotland (2010, p.28)

There are many aspects which contribute to the effectiveness of a board, whether relating to policy making, regulation or service delivery. These include amongst other aspects the management of board committees, management of agendas, meetings and minutes, availability of board information, time commitments, the support staff and the induction, training and development of members.

The Cadbury Report refers to tests of board effectiveness to include the way that members of the board as a whole work together to provide the leadership and checks and balances required by effective governance.

Tricker (2009, p.314) suggests that normal governance pointers such as board structure and director independence are not always the best at predicting the effectiveness of the board. Instead directors' working relationships, quality of chair and the members' knowledge of the company were found to be a better indication of the effectiveness of the board.

### **3.4.1. Management of Board Committees**

Tricker (2009, p.282) suggests that perhaps the most fundamental of committees that should be put in place would be the audit committee. The role of the audit committee has expanded from the original role of acting as a conduit between the board and the external auditors. The role should include additional matters such as advising on company management, oversight of internal audits, reporting to the board on all audit matters, reviewing financial and accountancy matters as well as looking into risk and governance matters. The audit committee can add value to the board through the provision of sturdy overview, although as Green (2005, p.55) indicates committees need suitably qualified directors with the time to carry out their functions.

Other corporate committees that might be put in place may include a nomination committee and a remuneration committee. The remuneration committee's job is generally to determine remuneration packages for directors and to put procedures and guidelines for remuneration in place. The nomination committee will make recommendations for appointment of members to the board. In the corporate board the members of this committee would generally be the independent non-executive directors.

### **3.4.2. Management of Agendas, Meetings and Minutes**

The board meetings are an important aspect of board effectiveness, the meetings need to be well run to ensure that the members obtain sufficient information to make informed decisions. Tricker (2009, p.285) puts forward that in planning meetings there are basic questions that need to be asked, why, what, when, who and where?

**Why** is it necessary to have the meeting? Is there a substantial reason to gather the busy members together or is the meeting just a routine schedule gathering of members. Members should have a clear understanding of the reason for the meeting.

**What** is to be discussed?

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**When?** There must be sufficient notice given for members to ensure that they have adequate time to prepare for the meeting and examine relevant papers. For corporate boards there is also the consideration of giving enough time for meetings to comply with regulations and corporate law.

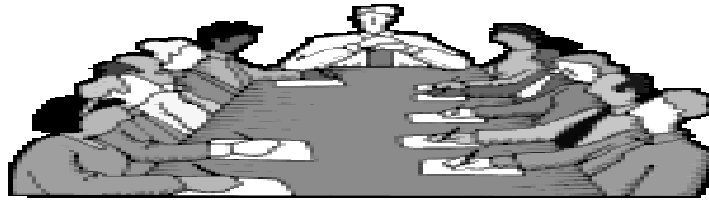
**Who?** Is also an important question as it emphasises that it is not just the board members that will be attending but also other people can be invited to attend to assist or provide information to the board or just to observe proceedings.

**Where** the meeting takes place is also important, as the location has to be suitable for the meeting. The location has to provide facilities and technical support to ensure a smooth running of events. The location also has to be considered for availability of access and travel for members. In general the boardrooms are the convenient location of companies although teleconferencing and other methods are becoming more the norm and saving on travel time and expense.

### **3.4.3. Availability of Board Information**

The Chair is an important mechanism in the efficiency of the board and is discussed further in chapter 3.5. below. As the Cadbury report emphasises the Chair should also ensure that the board has the relevant information to make its decisions. Tricker (2009) puts forward that board information should be '*concise*', yet '*comprehensive*' enough to cover all areas of the matter related to whilst remaining '*understandable*' and '*appropriate*' to the anticipated readers, it should be '*relevant*' for the purpose and '*reliable*' in that the reader should be able to trust the information presented. In addition information should be provided for members in a '*timely*' manner to enable them to make appropriate decisions. '*Cost-effectiveness*' of the production of reports is another consideration and the large voluminous paper volumes that were produced are more frequently now sent as electronic attachments (Tricker, 2009, p.291).

**3.5. Board Members**



Although many refer to the Chairman of the company, the position is in actuality the Chairman of the company's board of directors. It is noted that women are also in the position of the elected Chair of boards, the term is used here as a titular description and is not intended to infer any gender description or discrimination and the title Chair is adopted henceforth in this thesis. According to Roberts, McNulty and Stiles (2005), the Chair is vital to the board members' engagement and the culture of the board and may influence the decision making of the board.

The board is generally the main system of scrutiny and oversight for democratic organisations. The structure of boards has had some wide ranging comments mainly looking at the size of boards and the profile of its members. The Chair is generally seen as the most important figure in boards and governance and as such this overview of boards will commence by looking at the Chair of the board.

The skills that board members should have were also examined and although a number of skills were put forward for board members, it was suggested, particularly by the Cadbury Report (1992), that the role of the Chair in governance is crucial. There is no particular way put forward for a Chair to operate as it is thought that that may relate to the circumstances at that time. It is in general part of the job of the Chair to ensure that the board has the right information to do the job. Important parts of this support for board members that have been put forward are the support staff, the provision of induction training and development, as well as the review of board performance.

Subject to an organisation's articles the Chair is generally elected from their own by the directors. The main functions of the Chair are the management of the board, the

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management of meetings, strategic leadership, linking the board with management, a source of arbitration between board members and being the public face of the company. In the opinion of the Cadbury Report (1992) the role of the Chair in securing good corporate governance is crucial.

There are different ways of operating as the Chair and whether the post is dealt with through humour and charm or through dictatorship does not necessarily influence the efficiency of the position and it may depend on particular circumstances at the time.

The board members are often directors of the company. According to Tricker (2009) the main qualification for the director is integrity. They act not on their own behalf but upon the owners of the company to whom they owe a duty to act openly and honestly and recognise where there may be a conflict of interest. The director has to abide by the restrictions of legislation in their duty of trust by exercising their fiduciary responsibility to shareholders and their duty of care in exercising reasonable care, diligence and skill.

The skills required for particular boards can vary and, therefore, different board members can bring differing benefits to the board. However, in general the board member should have a number of essential skills including:

- *Strategic reasoning, perception and vision.*
- *A critical faculty capable of quantitative and qualitative analysis and financial interpretation.*
- *Planning and decision making capabilities.*
- *Communication and interpersonal skills.*
- *Networking and political abilities.*

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- *Knowledge of the enterprise, its business and board level activities as well as relevant political, economic, social and technological information.*

Tricker (2009, p.267)

In consideration of boards in the public sector, the Nolan Committee (1996) set out general principles of public life to ensure that where the UK Government or Local Authority is using public money the taxpayer has their interest safeguarded. The seven principles of public life include ‘*selflessness*’, ‘*integrity*’, ‘*objectivity*’, ‘*accountability*’, ‘*openness*’, ‘*honesty*’ and ‘*leadership*’.

In general there is diversity in the number of members that a board has, and this is illustrated in the review of boards by Audit Scotland (2010) where they reviewed the boards of several public bodies. The make-up of these boards ranged from four to 32 members. It was suggested that it is difficult to define an ideal number of members, nonetheless, there should be enough to provide sufficient skills and expertise, but not too many as to make collective decision making difficult.

To further comment on board make-up it is noted that a report by Davies (2011) indicates that in 2010 the number of women on boards in FTSE 100 companies was only 12.5% of board members. Although this had increased since 2004 the rate of increase would take 70 years to reach equilibrium. The report also indicates a need to increase the number of women on boards not only for reasons of equality but also to improve the performance of the board. Davies indicates that research shows that boards perform better with increased numbers of women members. Though, the make-up of the whole board should be considered as well:

*“This is not just a gender numbers game. It is about the richness of the board as a whole, the combined contribution of a group of people with different skills and perspectives to offer, different experiences, backgrounds and life styles and who together are more able to consider issues in a rounded, holistic way and offer an attention to detail not seen on all male boards which often think the same way, and sometimes make poor decisions.”*

Davies (2011, p.7)

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Support staff for the board is also a very important element to effective board member governance. Activities of support staff include providing advice, organisation and administration for the board. The support staff are often so important that some company laws require that a company secretary is appointed. The Cadbury report (1992), Para 4:25, specifically highlights the key role that the company secretary plays.

The life experience of directors and board members has, in the past, been seen as sufficient training to enable them to satisfactorily undertake their board duties. However, with many boards requiring to comply with governance codes and regulations, there is a need for performance evaluation and the modern board member needs a more professional and continuous approach to board training and development. New board members particularly need a form of induction to obtain the knowledge for them to do the job of a board member. There are many ways that the board member can develop including formal external courses, in-house courses, higher degree courses, mentoring, self-learning courses and even learning from board experience.

The Cadbury report (1992), Para 4:19, recognises it is essential for the board member to be up to date with their knowledge of board business and receive induction training in order that they can contribute fully on matters under consideration by the board.

### **3.6. Reviewing Board Performance/Scrutiny**

Many corporate rules and regulations require corporate bodies to provide a review of board performance. A board review and explanation is required in a company's corporate governance report by the UK consolidated code. The evaluation process for companies is also important to ensure that they continue to look at their own performance and look to continuous improvement. Similar to Tricker (2009, p.285) '*why, what, when, who and where*' questions for board meeting efficiency, Huse (2007, p.204) puts forward the questions '*who, what, whom and how*' for board evaluation.

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Tricker (2009) also suggests important parts of a board review that include an examination of the overall governance structure, a review of the board structure, a profile of board members, a review of the board style, efficiency and effectiveness. Questions that are relevant for the review of boards were also put forward by Huse (2007). These areas can be reviewed for the organisation under examination and the information can be scrutinised to provide a best way forward for the board and provide a strategy for board development. The questions from Tricker and Huse were considered in this review of Police Boards. These questions are replicated in Appendix K for information.

There are many evaluation tools for boards that can be obtained similar to the above including a self-assessment questionnaire published by the National Association of Corporate Directors, Washington, referred to by Green (2005).

Although not directed specifically at Boards or police services, a 2007 Ipsos MORI report (MacLardie et al. (2007)) on scrutiny can also be considered. The report identifies four roles of scrutiny the first two which are identified as the main priorities:

- *ensuring that service delivery meets minimum standards and adheres to statutory requirements;*
- *promoting the continual improvement of services;*
- *ensuring value for money;*
- *providing information to inform choice of service.*

MacLardie et al. (2007)

When it comes to non-profit and public governance Carver (2006) indicates areas where things go wrong. It is worthwhile being aware of these areas as a preventative tool and aid to good governance which can be compared to how Police Boards in Scotland operated:



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- *Too much time spent on trivial matters compared to that spent on the important.*
- *There is a short term bias where it is found that boards deal with near term matters or even historical matters rather than future strategic plans.*
- *Boards routinely will reactively respond to matters rather than to make proactive decisions.*
- *Some boards can spend a great deal of time reviewing work that has already been done.*
- *Some board members judge or direct staff rather than allow the CEO to do their job.*
- *There is often a grey area over what authority the board has within its stakeholder partnership.*
- *There can be situations where boards can be overloaded with work and therefore fail to overview important issues.*

Carver (2006, pp.18-20)

### **3.7. Discussion**

Chapter 3 has put forward a wider understanding of governance with reference to the private and public sectors. A review of boards was further examined in Appendix L by adding three examples of non-police boards in the United Kingdom for comparison to the Scottish Police Board and the English and Welsh Authority illustrations given in Chapters 1 and 2 respectively. The overview of boards gives an insight into three differing non-police boards operating in the United Kingdom. The boards reviewed are well known British institutions and include both corporate and public bodies. The boards examined are Marks and Spencer, British Petroleum and the National Health

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Service. Although different in general make up the boards have similarities in their memberships, functions and statutory duties. The National Health Service in Scotland is a public body and it is interesting to review as a comparator to Police Boards in Scotland. Of particular note is the make-up of the NHS board members incorporating NHS executive directors, lay members and Local Authority elected members.

One of the initial aspects to remember in governance is that there is a difference between management and governance. A simple description of the difference between management and corporate governance is given by Tricker (2009):

*“management runs the business, the board ensures that it is being well run and in the right direction”.*

Tricker (2009, p.38)

Several definitions have been put forward to indicate what governance is including examples by Huse (2007) and Bevir (2009), although neither is able to supply a universal definition of governance and it seems governance may be approached in different ways. There are different theories as to how a board should approach governance. Although some may, in various ways, represent the operation of Police Boards, the models presented are in general an ideal version and do not necessarily exist in a real form. The same can be said for board strategy planning where a variety of factors can be considered. The main organ overviewed when governance is considered is generally the board through scrutiny and overview. When it comes to corporate board accountability there appears to be much reliance on legislation and Government guidance.

There are many publications which are designed to assist a board member to do an effective job including recent advice from Audit Scotland (2010). The advice also offers a checklist for boards, the checklist for non-executive board members follows and may also be relevant for Police Board members and is considered in this thesis when examining Police Board functions:

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- *Am I confident that the board has the right information to assess the organisation's and the management's performance?*
- *Am I sure that the board has effectively assessed the risks facing the organisation and has plans in place to manage those risks?*
- *Am I confident that the board has the right skills, knowledge and expertise?*
- *Does the financial and performance information I receive as a board member tell me how the organisation is performing?*
- *Is the relationship between the chair and chief executive effective, balanced and appropriate?*
- *Do the chair and the chief executive understand and respect their respective roles?*
- *Does the board know when to stay out of the day-to-day running of the organisation?*
- *What more could the board do to be open and transparent?*
- *Are we learning and sharing enough from other boards?*
- *How could we improve and develop our system of induction, training and assessment of board members?*
- *Do I think our committee structure enhances our scrutiny work or does it slow us down or draw us into too much detail?*
- *Am I confident that the board makes the best decisions?*

Audit Scotland (2010, p.39)

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When it comes to board meetings there is also plenty of advice available and an example is put forward by Tricker (2009), *why, what, when, who and where* questions and Huse (2007) similar *who, what, whom and how* questions. The Scottish Executive (2006) guidance for board members describes the main responsibilities of the board as:

- *giving leadership and strategic direction;*
- *defining control mechanisms to safeguard public resources;*
- *supervising the overall management of the bodies activities;*
- *reporting on stewardship and performance.*

Scottish Executive (2006, Ch.2-3)

The advice given and questions asked by academics regarding boards has been considered in this research and has helped to identify areas where there are questions that have not been answered for Police Boards in Scotland.

### **3.8. Research Questions Identified**

Although there has been some recent Scottish Government research into police governance there has been little independent research into Scottish Police Boards. The information identified in Chapters 1 to 3 of this thesis pose questions that this research seeks to answer.

There is a variety in the structure of governance throughout the world in both the private and public sectors. Indeed, there was also a variety in the structure of governance in the Police Boards in Scotland. Gillan (2006) also suggests that there is both external and internal influence in governance and this has been seen in the overview of Police Boards in Scotland from organisations such as HMICS and Audit Scotland.

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Although there is an indication in legislation as to what Police Boards should do there is limited indication of how they work in actuality and what participation Board members have. There is also evidence from a Home Office study (Docking, 2003) and Ipsos MORI (2010) that there is little public knowledge of Police Boards. Audit Scotland (2010) indicates that there should be enough board members to provide sufficient skills and expertise, but not too many as to make collective decision making difficult. It was also put forward by commentators including Cadbury (1992) and Davies (2011) that the make-up of the board is important in its effectiveness. Tricker (2009) also indicates that the effectiveness of the board is also related to the management of minutes, agendas and meetings of boards as well as what support staff and training are available. As indicated by Huse (2005) accountability in the boardroom is the starting point for accountability and it is necessary to look at boardroom behaviour and identify its culture, structures, norms and interaction.

This therefore suggests research questions 1 and 2.

### **Research Question 1**

*Who are the Police Boards'?*

### **Research Question 2**

*How are the Police Boards in Scotland structured/managed?*

To obtain a better understanding of the Police Board and its profile and answer research questions 1 and 2, the researcher reviewed minutes and attended Board meetings and conducted a survey with members of all eight Police Boards in Scotland. This was to better appreciate what Police Boards did and who Police Board members were and if they were representative of the democratic profile. The results of the research and the survey are replicated in Chapters 5 and 6 respectively of this thesis. In addition, Chapters 7 to 10 give a further insight into Police Board stakeholders' perceptions on role, remit and purpose of the Board. This will give further insight into

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research question 2 and should help to answer how the Boards were structured, and make visible what members did and how the Boards were managed.

The notion of constabulary independence dictates that the police are answerable to the law and the law alone. The tripartite structure should have ensured a sharing of control of the police between Scottish Central Government, Local Authority and the Chief Constable. However, commentators including Lustgarten (1986) and Jones (2008) suggest that there has been a drift of governing influence towards Central Government. As Donnelly and Scott (2010) suggest, increasing bureaucracy from public bodies means greater accountability for police than ever.

Lustgarten (1986), Jones et al. (1994) and Donnelly and Scott (2008) amongst others also raise concerns over whether the Police Board is able to effectively carry out its duties. They question whether the Police Board does have any actual influence over local policing or is mainly an advisory body. It has also been suggested that the lack of resources of the Boards and insufficient staff results in the Boards being over reliant on police sources for their information.

There was legislation and Scottish Government advice in place that illustrates the job that Police Boards in Scotland should have done. It has been suggested above that the Police Board may not have done what it was supposed to do. Research including HMICS (2009c), found that the Police Board was not meeting the objectives for its statutory duties for Best Value and there was a lack of clarity of the expectations and responsibilities of the Board. This lack of clarity was from both Board members and stakeholders. Carver (2006) also indicates areas where governance can go wrong. Tricker (2009) indicates that a suitable indication of the effectiveness of the board could be found from directors' working relationships, quality of chair and the members' knowledge of the company.

This therefore suggests research question 3.

### **Research Question 3**

*What are Police Board members' and stakeholders' perceptions of Police Board duties and effectiveness?*

The main answers to research question 3 will be revealed in Chapters 5 to 9 through the examination of Police Board minutes, visits to meetings and interview responses from Police Board stakeholders. This should indicate what the main duties and responsibilities of Police Boards were perceived to be by Board members and stakeholders, and indicate if the Board members had the necessary skills and experience and if the Boards were thought to be effective in their responsibilities.

There has been much research carried out on governance and the governance of the police as indicated in Chapters 1 to 3 of this thesis. However, until recently there has been little empirical research on the governance of Police Boards in Scotland. What research that has been carried out has generally been conducted by Scottish Government agencies such as HMICS or Audit Scotland. Although research into governance of the police in England and Wales has been the main area of research, police governance varies throughout the world and as such a wider overview can also be compared to Police Boards in Scotland. This report was commenced prior to the Scottish Government's decision for the introduction of a single Police Service for Scotland. During the research for this report there have been perceptions and indications expressed from Board members and stakeholders as to what the future for the governance of the police service in Scotland will and should be. Regulations were put in place in 2012 for the governance of the Scottish Police Service through the Scottish Police Authority. Reflecting on the information on governance and police governance presented in Chapters 1-3 of the thesis and the perceptions of Police Board members and stakeholders it is therefore relevant to ask research question 4.

## **Research Question 4**

*What lessons do the perceptions of practitioners provide for the future governance and accountability of policing in Scotland?*

This question will be answered in the main through an overview of interviewees' perceptions on the future of policing in Scotland reproduced in Chapter 10 reflecting, where appropriate, on the previous chapters of this thesis. In addition, Chapter 11 will discuss the findings of this report with regards to the legislation for a Scottish Police Service. In answering the questions the research will add comments and advice regarding the Police Boards in Scotland. It is hoped that a reflection of the results of this thesis to the Scottish Police Service and the Scottish Police Authority can provide advice and guidance for the future of policing governance in Scotland.



## Chapter 4

### Research Philosophy, Design and Methodology

#### 4.1. Research Philosophy

This chapter examines the research philosophical position and the methodology that has been adopted by the researcher. The chapter first examines the research philosophy and how this choice reflects on the scope, research design, theoretical constructs, methodology, empirical study, types of data, analytical techniques and interpretative methods chosen for the research, and the subsequent results expected from that research (4.2.-4.4.). An examination of an alternative philosophical position to that proposed was then reviewed (4.5.). This considered how the alternative philosophy would affect the outcomes of the proposed research and discussed why that approach will not be adopted. The chapter then outlines the methods used in the research and explains why these methods were adopted (4.6.-4.11.).

#### 4.2. Philosophical Choice

Why bother with philosophy, why should the researcher not just get on with their research and save ‘*wasting time*’ with philosophical considerations?

It is not until it is required to consider philosophy that the reason for the question is understood. If philosophy is not discussed or considered then it does not mean that the research has no philosophical implications, Collier (in Dobson, 2002, p.3) suggests that the research will have “*bad philosophy*”. By neglecting to consider philosophy the researcher unwittingly brings in their own philosophical practices which can impact on their research results. Having a good understanding of different philosophical perspectives provides the researcher the assurance to deal with their own research approach.

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A researcher's philosophical choice is undoubtedly influenced by interaction with their own personal paradigm, the framework in which their world inhabits. As Corbetta (2003 p.123) asks, "*Is verbal behaviour a reliable source for the exploration of social reality?*" The researcher's paradigm is the way personal views, opinions and understanding reflect how they look at their world. As a practitioner and student of law the researcher's outlook was grounded in a scientific approach where evidence was gathered to prove or disprove a hypothesis. This educational socialisation was added to, further, through education in undergraduate psychology and postgraduate criminology.

These aspects of further education also provided the idea that people's individual socialisation and view of their own world also had an effect on outcomes. The researcher's ontological belief, therefore, is that the world outside the researcher's perception is real and exists even without the researcher's knowledge, interaction or understanding of it. The epistemological understanding of knowledge or of the researcher's own world is that which has been built from social interactions and is distinct from the ontology of the outside world. This philosophical view is suggested to be appropriate for this study which includes organisational effectiveness.

The researcher has conducted previous research in the social sciences which involved multi-methods incorporating both quantitative and qualitative methodology which offers apparent reliability and validity. Although neither method is the exclusive resort of any particular philosophy, qualitative methods have an association with interpretivism whilst quantitative methods are often associated with positivism.

As such, both the positivistic and the interpretative philosophical choices are considered. The positivist view suggests that the researcher and reality are separate and that reality exists apart from the mind of the researcher. On the other hand, the interpretative outlook would be that the researcher and reality cannot be separated with the researcher's knowledge of the world consisting of their social experiences. Although merits to certain aspects of both philosophical views can be seen it is suggested that neither positivism nor interpretivism are ideally suitable for the

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researcher's ontological and epistemological outlook. The researcher's personal paradigm encompasses a combination of the knowledge that their own social interactions have given, and the reality that exists beyond personal experience. It is, therefore, suggested that a combination of aspects of both positivist and interpretivist philosophies would be most suitable for the research.

The realist view is therefore considered: that there is a world outside our social interaction, a real world that continues to exist independently to what we know about it, and a world that includes things that may not be observable, such as ideas. The critical realist approach not only looks to find the building blocks that form the social world but also includes those structures that we cannot perceive.

*“Critical realism is critical because its practitioners aim to identify structures in order to change them, so that inequalities and injustices can be counteracted”.*

Bryman (2008)

The critical realist approach, therefore, most suits the researcher's personal philosophical and social research outlook. The use of critical realism can assist in the identification of the structure of Police Board governance and as indicated by Bhaskar (1989, p.2) where appropriate enable change.

### **4.3. Philosophical Assumptions for the Research**

The choice of philosophy for the proposed research is critical realism, originally put forward by Bhaskar (1975) and is a philosophy suitable for use in social sciences, which is the area that, it is suggested, this research most readily belongs to. Critical realism carries certain philosophical assumptions with regard to its employment. The ontological considerations for a critical realist view must take into account the consequences of self-determination of a real world outside us. The outcome of this, therefore, is that the actors in that world can have an effect on the outcome of the structures developed in their world. This is not necessarily a direct link to the actor's actions, as other causation factors may also be considered.

Lintoula, (2008) puts forward that we must not, however, confuse the real world with what we know as the real world. The epistemological view of critical realism is that a world built outside ourselves inclusive of social impact does exist and that world is built not only from that social interaction but also from independent actions external from us. Critical realism attempts its explanations by examining both social structure and individual involvement. As a result the project will not only consider the results of the research but should also consider the implications that the research itself will have and the effect this may have on the subsequent results.

*“Critical realism embraces a coherent account of the nature of nature, society, science, human agency and philosophy (including itself). Its intent is to under-labour for science.....”*

Lintoula (2008, p.55)

#### **4.4. Implications of Philosophical Choice for Knowledge Generation (Methodology)**

The project used a multi-method methodology to gather its information in that a number of data gathering methods were used. Mingers (2006) argues that since the real world has many facets and is intricate then it requires many methods to view it to avoid tunnel vision. He also argues that different methods are more suitable than others for certain tasks and, therefore, a combination of methods may provide a more complete result.

*“Critical realism is therefore happy to accept the validity of a wide range of research methods without recognizing the primacy of any.”*

Mingers (2006, p.215)

Nevertheless Mingers (2004) not only emphasises the benefit of a more robust research result but also warns that in social science the researcher has to be aware of shortcomings and limitations of social surveillance. The German scholar Max Weber

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(1864-1920) believed that the researcher had a responsibility to distance themselves from the research to try to provide a “*value free*” analysis (Hart, 2006, p.221).

David and Sutton (2004) state critical realism not only allows for the formation of logical conclusions from a rational premise but also allows development of theories from evidence, deduction and induction. Ackroyd (2008) indicates research methods that meet the needs of critical realism include both qualitative methods to show reasons, motives and intentions and quantitative methods for showing general character of research results such as case studies. The research methods include historical literature reviews, survey and fieldwork involving observations and interviews with stakeholders in key areas associated with the project. This included representatives from Police Boards, The Association of Chief Police Officers and The Scottish Government.

Mingers (2006) argues that science is not just about discovering quantitative data but is also about “*explanation, understanding and meaning and interpretation*”. Mingers (2004) further suggests that critical realism is about getting under the skin of things and looking to better understand and explain the why of things. This holistic explanation of critical realist methodology is particularly relevant for the examination of this project. Critical realism is suitable for the project. It follows the philosophy posited by the researcher’s epistemological and ontological paradigm. It allows for research methods sympathetic to the research project, such that surveys and qualitative interviews can be used in the case study to ascertain the contribution of differing areas of Police Board dynamics.

*“We are not always looking for ‘the cause’. Many events are co-determined (or counteracted) by several different causes. Critical realism looks for the relative contribution of each mechanism”.*

Thompson (2008)

In a critique of realist methodology Yeung (1997, p.56) argues that a critical realistic method had not yet been sufficiently developed and as such is limited as a philosophy

when compared to the likes of positivism. However, Yeung admits that others suggest that for social sciences there is no need for a connection between philosophical footing and method applied and that a pragmatic approach should be adopted.

#### **4.5. Alternative Philosophical Position**

As an alternative philosophical position to critical realism the researcher could have adopted the area of interpretivism which became popular in the late 20<sup>th</sup> Century (Kant, 1855; Martin and McIntyre, 1994). Interpretivism is depicted by Burrell and Morgan (1980) as one of the four major paradigms in sociological theories.

The main idea of interpretivism is that people's own interaction with the world has an effect on what their actions are. As such, the value of the scientific method of watching and examining subsequent results is insufficient to give a full understanding of their world. The interpretive researcher would, therefore, take a subjective approach to their research in the knowledge that their interpretation of their world has an effect on their findings. Walker (2000) indicates that a difficulty that arises is that interpretivism suggests that the researcher is unable to disassociate their paradigm, which is their social world, from their research. As such arguably the researcher's view is not totally impartial and unbiased and their credibility to be able to evaluate is often difficult to support.

Collins (1998, p.190) suggests that this interpretative approach can be used to understand how changes to organisations can have an effect on both the respective organisation as well as the individual. However, it is also argued by Collins that when using an interpretivist approach the researcher must also be wary that they are not only using an interpretivist approach merely as a key to unlocking access to a qualitative methodology which is generally aligned with interpretivism. Klein and Myers, (1999) indicate that the researcher's use of qualitative methods does not necessarily mean that the philosophy is an interpretative one.

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Williams (2000) argues that interpretivism suffers from a lack of definition of how a researcher interprets or even what an interpretation is. He suggests that it is possible that with this lack of definition a researcher will generalise; however, this would be in conflict, as true interpretive research holds the impossibility to generalise. Williams, though, does not think that this lack of definition cannot be overcome and that a pluralist approach along with other methods will still leave interpretivism holding a valuable methodological place. Kelliher (2005) further suggests that interpretivism should seek reliability from a multi-method interpretive analysis as mono interpretative research has not produced sufficient legitimisation with questions of validity, reliability and generalisation.

Interpretivism denies the existence of society, placing explanations relating to society in the beliefs and actions of individuals. Interpretivism, therefore, has difficulty in dealing with human social concepts from society such as the person's job title. As Mingers (2006, p.204) indicates, this also relates to difficulties for interpretivism to explain other human socialisations such as language or, indeed, even discussion itself. Although our own knowledge can be limited this knowledge limitation does not extend to the external world.

Klein (2004), states that the main drawback of interpretivism is that it relies on the researcher's interpretation of what is going on in their world. The further the researcher's world is from the area that is being researched then the more difficult the translation from the research will be for the interpreter and, therefore, the more likely to be prone to errors. Klein also indicates that critical realism is more reflective than interpretivism which shows a limit for comparative research options.

As a result, the depth of interpretivist social view is curtailed to that in comparison to critical reality and it is suggested it would not have been suitable for use in the research project.

#### **4.6. Research Comparisons Influencing Methods**

The following will examine the research methods suitable for this project. The literature review provided a background for the study and also produced information for use in the research to better inform the investigative process, guide analysis and provide new understanding. The background for the research also produced examples of approaches used to gather data for similar studies which helped to influence the way that data was collected in this research and subsequently analysed.

There has been little research undertaken on Police Boards in Scotland. As such, the literature review of Police Boards in Scotland was mainly restricted to an internet based investigation for the gathering of documentation and archival data. The gathering of documentation and archival data allowed for unobtrusive and long lifespan coverage of Board events which could be viewed at the researcher's time of choosing. On the other hand, it should be considered that such archival material may have reflected the bias of the author or the document and data was not retrievable or insufficient for the research question. As such, document gathering alone was not sufficient for this project.

Police, Local Authority, Scottish Government, boards and governance have had greater study and offered a broader literature review. A substantial proportion of research into boards has been conducted on behalf of the UK Government including The Cadbury Report (1992) and the Higgs Report (2003). Contemporary studies include Audit Scotland and Her Majesty's Inspectorate of Constabulary for Scotland's joint Audit and Inspection of Best Value of police and Police Boards in Scotland. This inspection reviewed all Police Boards in Scotland and commenced with Tayside Joint Police Board in June 2009. The inspection adopted a strategy of questionnaire and follow up interview. A further Audit Scotland study in 2010 reviewed The Role of Boards. The main research method of all of these studies was data gathering, survey and interview.



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Scottish Government reports on policing that have also had some input on Police Authorities include the HMICS (2009) ‘Independent Review of Policing’ and HMICS (2009b) ‘Thematic Inspection Strategic priority setting in Scottish police Forces’ and the ‘Crerar Review’ (2007) on public services complaint handling. The main methodology adopted by these reports was a set of initial written questions directed at Forces and police services, followed up with field visits and interview.

These methods fit in with the research philosophical and social research outlook of critical realism. Additionally, it is suggested that the critical realist philosophy outlined above is particularly relevant to consider for the use of questionnaires and interviews. It is possible to obtain some of the answers to the research questions through archival data collection and observation alone; however, this data is insufficient in itself to answer the research questions and additional methods must be added. As indicated above, survey and interviews have been used in similar studies and are appropriate and suitable for using to access the information that is required to answer the research questions. In addition to analysis of historical data and observation, survey/questionnaire and interviews were, therefore, used to assist in answering the research questions.

The research therefore used four main methods to gather data in addition to the initial background literature review. This included collection and analysis of archival data (Police Board minutes), observations (visits to Police Board meetings), a survey/questionnaire and subsequent interviews. These methods are discussed and critiqued below.

### **4.6.1. Research Design**

Huse (2005) points out that board behaviour can be perceived differently by different actors within the board, e.g. whether the board member is a Chair, their political allegiance or even their gender. Huse also suggests that various data collection and interpretation techniques could be used and that some questions may not be answered unless “*venturesome research designs are explored and rigorously developed*”.

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The research design for this thesis, therefore, includes a mixed method approach of archival/documentary, Board visits, questionnaire and interview data. The mixed method approach offered the ability to make use of a larger source of data and avoid being restricted to either quantitative or qualitative data. Using the complementary approach put forward by Mark and Shotland (1987) allowed for the data obtained to be developed by other methods and provide triangulation of the results. Mixed methods design has been adopted in studies reviewed during this research as identified above. These studies were similar to this thesis approach and, therefore, the methods used were felt appropriate to be included for this research.

As such, this research commenced with a literature review to gain grounding in the understanding of Police Boards and governance. The literature review was then added to by an archival/document research which looked at the minutes of the full Board meetings that were available for all eight Scottish Police Boards. Consideration was also given to the collation and examination of the minutes of all Board sub-committees. However, there was a large variation in the type and number of sub-committees operated by each Board to allow a comparative analysis of minutes. As such, the time that it would have taken to compile such an examination would not be worthy of the benefit of the data obtained in the limited time available in a PhD study. The full Boards had different frequencies of meetings and in order to obtain a sufficiency for comparative examination of minutes from each Board a period of 18 months was selected for overview. This also ensured that any extraneous event that would affect policing during this time should be relevant for all Boards. The Police Board visits were carried out subsequent to the overview of minutes and allowed triangulation of data obtained from the minutes as well as providing a practical overview of proceedings.

The literature review showed an apparent lack of information on the profile of Police Boards in Scotland. Using information from the literature review, minute analysis and Police Board visits, questions were devised to create a survey to best inform the researcher regarding the profile of Scottish Police Boards.

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Huse (1998) suggests that “*board life stories*” and interviews with directors could be important in future research. This strengthened the researcher’s consideration of interviews in data gathering. The interviews were to follow on from the questionnaire based on data from the researcher’s previous research using semi-structured interviews to allow the interviewee to expand on responses. The initial intended methodology of the project was to use a comparative analysis of three Police Boards in a case study. The number of subjects who agreed to be interviewed from the original three Police Boards intended for the case study was unfortunately disappointing. In order to improve the number of respondents the study expanded to encompass six Police Boards and Police service personnel for interviews. This expansion gave a better overall response rate. It was decided not to include all eight Police Boards in the interviews and to exclude Northern Constabulary and Grampian Police. Although the researcher would ideally have liked to include both, they were excluded after consultation with PhD supervisors due to the excessive time and expense that would be incurred for travelling on the limited time and budget available for a PhD research. This increase in the number of Boards and interviewees allowed for the use of a comparative case study design as recommended by Stake (1995) and enable the comparison of both an examination between Boards and of Board members and stakeholders individually. Huse (2005) also indicates that he found the collection of responses from several respondents from different boards fruitful for studies in board behaviour.

### **4.7. Mixed Methods**

In general the methods used for the purposes of conceptualising the research can be placed into one or other of the categories of qualitative, quantitative or a mix of the two using a mixed method approach. Quantitative research is seen as being deductive in nature whilst qualitative research is described as inductive. The process of design in qualitative research is an iterative process where there are a number of reviews and revisions of the design to ensure that it is fit for the proposed purpose of the study.

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In general in quantitative research the researcher observes and does not take part whilst in a qualitative design the researcher takes part in the study and appreciates that their interaction with the matter under investigation is of value to the interaction or phenomena being observed (Maxwell 1996). However, the contrast between the two methods is broad and general; Easterby-Smith et al (1991) suggest that although holding for the philosophical level, this distinction may not hold up at a practical level and both methods may overlap and are both useful. By gaining a good understanding of the strengths and weaknesses of both quantitative and qualitative methods the researcher will put themselves in the best position for putting together strategies that will result in the methods used complementing each other and providing a research tool that has the best effect. The strengths and weaknesses of quantitative, qualitative and mixed method research are highlighted by Johnson and Onwuegbuzie (2004) and are reproduced in Appendix H for information. These strengths and weaknesses were considered to assist to establish the best methods for this research.

A mixed methods approach allows both qualitative and quantitative methods to be used by the researcher to answer the research questions. The researcher has examined the qualities of all three methods, above, for reflection in this research and considered mixed method to be suitable to help answer the research questions. The mixed method approach is further adapted by considering a complementary mixed method approach offered by Mark and Shotland (1987). Through this mixed method examination, the first method can also be used to help the development of the second and enhance the knowledge obtained via a greater coverage of content or level of examination. This will, therefore, allow the researcher to make full use of the methods strengths and counteract any prejudices from methods or other sources. An additional consideration of the mixed method strategy is that it also offers the benefit of triangulation of the research results. For the purpose of this research it is suggested that complementary mixed methods offer the best chance of obtaining answers to the research questions.

#### **4.8. Case Study Methodology**

Case study design requires the in-depth study of a 'case' in order to fully understand the nature of the organisation or matter under examination. The case study can use a range of methods and seeks to explore or describe events. Yin (1994) suggests that the case study method is best used in current events through natural methods such as observation or open ended interviews. Eisenhardt (1989, p.534) indicates the case study fits in with the intention of this research and typically embraces aspects consistent with this research including combining data collection such as archives, observation, questionnaires and interviews.

During the period of the thesis HMICS and Audit Scotland were conducting a Best Value audit of all Scottish police services and Police Boards. As a result of the audit it was observed by the researcher that many of the Boards were taking cognisance of some of the results of other Board's audits and adapting their own procedures to include learning points from the audits of other Boards, as well as their own. One of the results from this is the anticipated differences that may have been discovered in a case study comparison of differing Boards were being reduced.

As such, it was also decided to include a collective case study design as recommended by Stake (1995) and focus on the interactions of members of Police Boards in Scotland and their stakeholders as well as the contrasting interactions of particular Boards. Therefore, the collective case study is designed to understand Police Boards in Scotland and their interaction with stakeholders. This study should, in particular, where appropriate, highlight the contrasts between Police Boards and the collective interactions between Police Board members and the Chief Constable, the public and the Scottish Government. It is worth noting that the use of both the multiple and collective case study design may over-ride concerns by Dyer and Wilkins (1991) that the multiple case study design means that the researcher gives more consideration to the way that cases are contrasted rather than the specific context.

## **4.9. Critiques of Methods (Survey and Interviews)**

Critique of the use of survey/questionnaire and interview follows; although the examples given are not exhaustive they do give a consideration of their suitability for the research questions.

### **4.9.1. Survey/Questionnaire**

The sampling strategy of subjects has to be careful to ensure, a representative sample, as well as that enough responses are received to guarantee validity. As such, the survey was forwarded to all 149 Scottish Police Board members that had been identified from all Police Boards in Scotland. Although the survey would offer the possibility of a clear outcome and a high control over the research along with replicability and transparency, Scholarios (2008) indicates that the researcher has to ensure that possible question bias and ethical issues are dealt with for the compilation and operation of the questionnaire. It was also considered that the research was to be carried out on a body of members who were elected as political Councillors and there may have been a political bias in the nature of some of the responses.

Survey and interview question critiques can be similar and many of the points should be considered for both. Bryman (2008, p.255) suggests some problems to be considered for survey research. The meaning of the question can be misunderstood; the researcher must, therefore, bear in mind the interpretation that the subject infers, it may help to keep the questionnaire short and simple. The respondent may also wish to reply in a way that they think they are expected to reply and, therefore, may not give a true response. To try to overcome these concerns, the survey remained anonymous and was sent to the Board members directly for their personal attention and response. Another problem that is encountered in the use of the survey is that it does not allow respondents to expand on the answer and the choice available may not offer them a true opportunity to answer fully. A remedy to this limitation was to use follow up interviews with respondents to allow expansion of answers in such areas.

### 4.9.2. Interviews

An in-depth robust series of interviews can provide valuable research data; however, the researcher should be aware of their limitations. Mingers (2004) not only emphasises the benefit of a more robust research result, he also warns that in social science the researcher has to be aware of shortcomings and limitations of social surveillance. The German scholar Max Weber (1864-1920) believed that the researcher has a responsibility to distance themselves from the research to try to provide a “value free” analysis (Hart, 2006 p.221). In addition the philosophical view of the interviewer and the interviewee may have a bias result on the data obtained.

The time available for interviewees will also impinge on the questions that can be asked. The type of questioning is important as structured interviews using prepared questions may help the comparison and resultant conclusions although, as McMaster (2008) indicates, a semi-structured interview would allow the flexibility to explore areas of interest. The interviewer can affect the answers provided by the respondent and, as such, when interviewing the interviewer should avoid using leading questions or appearing to expect a particular answer. Interviews, though, can take a deal of expertise, planning and organisation to get right and to obtain the data required in an unbiased nature. The critical realist philosophy should help to reduce interviewer bias.

In this research a semi-structured interview schedule was used. This improved data retrieval and the researcher noted a willingness of interviewees to expand answers to questions and often answer questions intended to be asked later, as well as providing information not asked!

The constraints of travelling time, access for interviews, transcription and analysis of the interviews also have to be considered and a large amount of interviews may not have been feasible. The time available from busy public servants to provide interviews also impinged on the number of respondents who agreed to be interviewed and the questions asked. An hour was often the allocated time given by the interviewee and questions had to be managed to ensure that the most important areas were covered.

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As Walliman (2005, p.346) indicates, it would also be advisable to obtain informed or written consent from interviewees for use of the data obtained. Silverman (2001) points out that the use of a recording device would be essential in order to ensure that a record of the conversation, and sequence, is retained and assists in transcription of the interview. Quigley (2008) highlights that ensuring that interviewees sign off on the interpretation of their responses may go some way to add validity. All interviewees were happy to be recorded and were willing to sign their written consent for use of the data obtained from the interview.

The fact that some of the questions may have been seen to be of a sensitive nature by some of the interviewees was also considered. However, even though - or perhaps because - the interviewees were well versed in politics there was little indication that this had any effect on responses. It was ensured that interviewees signed off on the interpretation of their responses to add to validity. Prior to the research commencing the researcher attended a meeting of the Scottish Police Authority Conveners Forum. At this meeting the researcher highlighted the nature of the research and ensured Conveners that the results would be confidential and politically independent.

### **4.10. Research Methods**

#### **4.10.1. Police Board Minutes**

The minutes of all eight Scottish Police Boards were obtained to cover the period from mid-2007 until the end of 2008. The minutes of Police Board meetings were not always openly available and were obtained in a number of different ways. Some of the Board minutes were available on Board or Local Authority web sites. Some Board minutes were obtained as a result of requests to the Scottish Government archives, Local authority web sites or from the respective Police Board themselves. Table 4.1 below indicates the dates of minutes, obtained, by Police Board.



**Table 4.1 Dates of Minutes by Police Board**

Northern	Lothian and Borders	Dumfries and Galloway	Strathclyde	Fife	Grampian	Tayside	Central Scotland
15.06.2007	29.06.2007	12.06.2007	14/06/2007	18/10/2007	06.06.2007	11/06/2007	14.06.2007
14.09.2007	10.09.2007	05.07.2007	04/09/2007	24/01/2008	22.06.2007	25/06/2007	14.09.2007
27.11.2007	19.11.2007	18.09.2007	11/10/2007	13/03/2008	24.08.2007	20/08/2007	30.11.2007
18.01.2008	28.01.2008	16.10.2007	06/12/2007	24/04/2008	19.10.2007	12/11/2007	28.01.2008
23.04.2008	28.04.2008	20.11.2007	17/01/2008	05/06/2008	07.12.2007	28/01/2008	28.03.2008
29.08.2008	27.06.2008	22.01.2008	29/01/2008	04/09/2008	11.01.2008	21/04/2008	20.06.2008
14.11.2008	08.09.2008	20.03.2008	08/02/2008	16/10/2008	29.02.2008	12/05/2008	05.09.2008
	17.11.2008	20.05.2008	10/04/2008	27/11/2008	25.04.2008	30/06/2008	21.11.2008
		15.07.2008	12/06/2008		27.04.2007	25/08/2008	
		21.10.2008	14/08/2008		27.06.2008	17/11/2008	
		13.11.2008	09/10/2008		29.08.2008		
		11.12.2008	04/12/2008		31.10.2008		
					12.12.2008		

(Source: Police Board minutes)

The commencement date of the Board minute analysis was after the Local Council elections in May 2007. Examination of minutes after the elections avoided the turbulence of Board member changes and focused on a mainly continuous Board. The examination of minutes over an 18 month period ensured that there were enough minutes from each Police Board to provide sufficient comparative examples. This meant that at least seven full Board minutes were examined for each Police Board. As mentioned above, due to the large variance in the number and type of sub-committees between the Boards, and the limited number of full Board members attending sub-committees, sub-committee minutes are not examined in this report.

The examination of the minutes was primarily to investigate what was discussed by members at the full Police Board meetings and obtain an indication of the governance carried out by the Police Board. When reviewing the minutes of the Police Boards, cognisance was taken of the Scottish Government (2007) report giving Board duty guidance for members of Police Authorities and Joint Boards.

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The minutes from each Board were examined by the researcher and data from the minutes was recorded in a Microsoft Access data-base for each Police Board. The data-bases were constructed so that all eight data-bases had the same fields for comparative analysis. These fields included number of members attending, number of apologies, number of others attending, minutes presented at the meeting, presentations to the Board, items relating to performance of the Force, finance and budget items, complaints, relevant police information, other items and matters that were at the exclusion of the public.

Items relating to governance of the police service were particularly noted and attention was given to items which informed the Board of the performance of the police service, finance and budget items, police complaints, Best Value, Community Planning and the Independent Custody Visitor Scheme. The results of the Board minute observations for all eight Scottish Police Boards are reported in Chapter 6 of this thesis.

### **4.10.2. Police Board Visits**

The information provided by the overview of Police Board minutes was supplemented and corroborated by visits to Police Board meetings. In order to obtain a better understanding and overview of the working function and content of Police Boards in Scotland, all eight Scottish Joint Police Board/Unitary Authorities were visited by the researcher and field notes were recorded in a journal. This review included aspects such as: layout and appropriateness of the meeting room, availability of meeting documents, ease of public access, operating dynamics of the Board and the Chair/Convenor, participation of other attendants such as police officers, how much work appears completed prior to the Board and presented only for official approval, as well as what work was presented to the Board. In addition the researcher recorded a pen picture of the participation of Board members and others during Board business. This gave a record of who participated (and who didn't), how often and at which items. Although the observations were restricted to one meeting for each Board, triangulation of results from Board minute analysis and interviews suggested this was

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a true representation of regular events. This overview was anticipated to provide further insight into the Police Board governance process. Table 4.2 shows the dates of the researcher's visits to the Police Boards.

**Table 4.2 Dates of Visits to Police Boards**

Northern	Lothian and Borders	Dumfries and Galloway	Strathclyde	Fife	Grampian	Tayside	Central Scotland
23/01/2009	26/01/2009	27/01/2009	29/01/2009	23/04/2009	02/05/2009	11/05/2009	26/6/2009

(Source: Police Board visit journal records)

Ethical consideration was given as to whether it was appropriate to take discrete observations on Board members without their knowledge. Meetings are open to public attendance and often members of the media are there to take notes on events of newsworthy nature and, as such, a member of the audience taking notes would not be unexpected and members should behave accordingly.

By openly informing members that a researcher was there to observe them in their meetings may have had the effect of altering their behaviour. It was therefore decided that the best way forward was to enter into communication with each Board administrator/secretary and inform them of the researcher's attendance. This information would indicate that the researcher was there as a member of the public only and would be taking notes of observations. The administrator/secretary would, therefore, have the opportunity to inform the Board's Convenor of the researcher's attendance and take the action they felt necessary regarding notifying Board members of the researcher's attendance. A University research outline and intentions report was also completed and forwarded to the Management Science Ethics Committee, outlining the intentions of the study and the methods to be adopted in the observations of Board members. This was completed prior to commencement of any visits to further ensure all ethical considerations were looked at. The research methods were approved by the Ethics Committee.

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As aforementioned, the researcher's attendance at the Board meetings was to be as a member of the public and no attempt was made by the researcher to be introduced to the Board members upon arrival. The researcher dressed in a smart casual manner to endeavour to blend into the public area of the Board meeting, without drawing attention.

It is appreciated that the main behaviour witnessed by the researcher on the specific visit may not have been a regular occurrence for that Board. It may have been beneficial for the researcher to have conducted more visits to each Board to confirm that the observations at each Board meeting visited were the norm for each Board. This would have entailed additional time commitments and travel expenses that would have strained the limits of a PhD study and perhaps provided limited additional data. However, the historical minutes of all eight Boards' meetings reviewed above for the period from 2007 onwards provided a comparison, triangulation and corroboration of the Board visit results.

In addition to attending all eight Scottish Joint Police Board/Unitary Authority meetings the researcher was also able to observe live webcasts of meetings of the Metropolitan Police Authority and the Toronto Police Services Board, Canada. Observations by the researcher of these meetings were also recorded and noted for comparison to Scottish Police Board/Unitary Authority meetings. A brief analysis of these Board meetings is given in Chapter 6 of this thesis.

### **4.10.3. Survey/Questionnaire**

The contact details of all members of Police Boards in Scotland were obtained as a result of the archival literature review and internet research of all eight Police Boards and all 32 Local Authorities. This provided contact and other details of all members of the Police Boards. Amongst other information this established the gender, political party and relevant Police Board for all the Police Board members.

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Following observation of Police Board meetings the researcher obtained an impression of the main profile of Board members present at meetings which did not appear to represent the overall Scottish public profile. In order to obtain a deeper understanding and overview of the profile of members of Police Boards in Scotland, a questionnaire/survey was prepared by the researcher to ascertain the members' Council and Board service, their experience of policing, age, other work commitments, time spent on Board duties, years resident in Board area and other relevant experience.

The questionnaire/survey had a total of 13 questions (Appendix B) spread over six single sided A4 pages, designed to take respondents no more than 10 minutes to complete. The questionnaire/survey was sent to all members of the eight Joint Police Boards and Unitary Authorities. The survey was forwarded to all Police Board members to ensure a representative sample and guarantee validity for the compilation and operation of the questionnaire.

In order that the survey would offer the possibility of a clear outcome and a high control over the research along with replicability and transparency, the researcher ensured that possible question bias and ethical issues were considered. Ethical considerations were reviewed by the researcher and a report was forwarded to the University of Strathclyde, Management Science Ethics Committee outlining the nature of the research survey for consideration and examination. The research was approved by the Ethics Committee.

### **4.10.4. The Survey**

Prior to full implementation of the survey a trial sample of survey questions was sent to 10 Police Board substitute members, that had been identified, to ensure the viability of the full study. Although there were only two responses to this trial there was no indication given that the survey had any flaws and, as a result, the full survey was commenced. The trial study responses were not used as part of the full study.

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The survey was designed to maintain anonymity with the respondent's details being known by only the researcher. Each survey was identified by being individually numbered to assist with anonymity and analysis of returns. The survey was sent with a stamped addressed return envelope to the Board members directly for their personal attention and response. The questionnaire which was introduced by a letter (Appendix A) was kept short and simple to avoid misinterpretation or confusion and indicated a requested completion and return date. A week prior to the requested response date, a reminder and second copy of the survey was sent to Board members who had not returned the survey, allowing a further week to return the completed surveys.

The Police Board profile survey was conducted between May and August 2009 with the final responses required by 07/08/2009. The results, therefore, represent the profile of Police Boards at that time. The introductory letter and the respondents' return of the form were perceived as inferring their consent to the researcher's use of the data.

Analysis of the survey returns was prepared by primary coding of the responses by the researcher and accommodated in a Microsoft Excel spread sheet. Subsequent evaluation of data was carried out on computer using the assistance of SPSS 17 statistical analysis package. Not all respondents completed all questions and, consequently, there are different frequencies of responses on some questions. In general, on the occasions where questions were left blank there was no reason given. However, when questions were missed by individual respondents, they were predominately all the questions on the same page of the survey and gave the researcher the impression that the respondent had missed the page and, therefore, not seen the questions rather than declining to complete them. The results from the survey are described in detail in Chapter 5.

### **4.10.5. Interviews**

Research interviews, described by Kahn & Cannell (1957) as "*a conversation with a purpose*", provide the ability to expand on the questionnaire responses. A list of questions intended for presentation to the Police Board stakeholders (Appendix C)

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was compiled by the researcher. The questions selected for the interviews were decided with respect to input from the research process including the literature review, Board minute review, Police Board visits and the feedback form the Police Board profile survey. A semi-structured interview was used to allow the flexibility to explore areas of interest arising from the interviews. The questions were examined by the researcher prior to implementation to ensure they were suitable and complied with ethical consideration. As per consideration for the above Board visits and profile survey an outline of the proposed research and a copy of the questions were sent to the University of Strathclyde, Management Science Ethics Committee for overview and approval before implementation. The research was approved by the Ethics Committee.

Police Board members and stakeholders, identified by the aforementioned background research, were contacted personally by letter (Appendix D), which included an information sheet and explanation of the project (Appendix F), with a view to arranging an interview at a convenient time and location for the Board member.

The interviews were semi-structured, designed to direct answers towards the research question yet allow the interviewee to add supplementary comments felt relevant. In particular the interviews were designed to obtain the respondents' own perceptions and experience of Police Board duties and, thereby, focus on the view of the Police Board practitioner. As mentioned above, sending the interview questions to the interviewee in advance may have provided a more informative answer. However, this may also provide a generic answer of policy rather than the interviewees' own knowledge and perceptions of Police Board duties. Interviewees may have given answers as to what would be expected to happen rather than what actually occurred. Consequently, it was decided not to send interview questions to those participating in advance and present the questions to interviewees for the first time at the interview.

**4.10.6. Research Interviews**

It was intended to use the first three interviews from Police Board members as a trial to test and validate the interview questions and process. This would also give the researcher experience in the practicalities of interviewing and improve the formulation of the questions. There were few difficulties reported with the interviews although one interviewee, who was also a university professor, made a comment regarding syntax on one question. This comment was, however, a result of how the researcher asked the question and not regarding the question itself; a good learning point for the researcher and, as a result, the responses from the first three interviewees were included in the analysis and the final results.

As a result of positive responses to the interview requests 49 interviews were carried out from Police Board members and stakeholders from the six Police Board areas and one senior Scottish Government official. The interviewees comprised of 32 Police Board members, 10 senior police officers<sup>63</sup>, six senior police executives<sup>64</sup> and one senior Scottish Government official. The dates of the interviews and the interviewees' roles are indicated in Table 4.3 for information.

The majority of the Police Board interviewees had previously responded to the researchers Police Board profile survey. There were, however, five additional Board members who had not been included in the Police Board profile survey, two of the interviewees were new to the Police Board since the survey and three of the interviewees had not responded to the questionnaire.

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<sup>63</sup> 2 Chief Constables, 4 Deputy Chief Constables, 1 Temporary Deputy Chief Constable and 3 Assistant Chief Constables.

<sup>64</sup> Varies between Forces but includes Finance Directors, Human Resource Director and Property Directors.



**Table 4.3 Interviewees by Date Interviewed and Role/Position**

28/10/10- Police Executive	15/03/11- Police Board Member	20/04/11- Temporary-DCC
04/11/10- Police Board Member	15/03/11- Police Board Member	22/04/11- Government official
19/11/10- Police Board Member	15/03/11- Police Board Member	26/04/11- Police Executive
26/11/10- Police Board Member	15/03/11- Police Board Member	28/04/11- Chief Constable
21/12/10- Police Executive	15/03/11- Police Board Member	06/05/11- Police Board Member
10/01/11- Police Board Member	18/03/11- Police Board Member	06/05/11- Police Executive
11/01/11- Police Board Member	18/03/11- Police Board Member	06/05/11- Police Executive
26/01/11- Police Board Member	23/03/11- Police Board Member	06/05/11- Police Board Member
26/01/11- Police Board Member	23/03/11- Police Board Member	14/05/11- Deputy Chief Constable
26/01/11- Police Board Member	24/03/11- Police Board Member	21/05/11- Chief Constable
26/01/11- Police Board Member	01/04/11- Police Board Member	26/05/11- Deputy Chief Constable
31/01/11- Police Board Member	08/04/11- Police Board Member	09/06/11- Assistant Chief Constable
28/02/11- Police Board Member	08/04/11- Police Board Member	09/06/11- Police Executive
28/02/11- Police Board Member	08/04/11- Deputy Chief Constable	14/06/11- Assistant Chief Constable
02/03/11- Police Board Member	11/04/11- Police Board Member	16/06/11- Assistant Chief Constable
15/03/11- Police Board Member	11/04/11- Police Board Member	
15/03/11- Police Board Member	13/04/11- Deputy Chief Constable	

(Source: Researchers Police Board Interviews)

During the interviews, with the interviewees' permission, the researcher used a recording device and took notes of the interview. On completion of the interview the researcher sought the interviewees' informed written consent for use of the data contained (Appendix E).

Following transcription of the interview the researcher forwarded a copy of the interview to the interviewee for them to sign-off on the interpretation of the interview. Not only did this keep the interviewee involved and interested in the research, it also reduced the likelihood of any transcription errors that might have occurred.

Interviews were first conducted with most Police Board members who responded and were available. Following completion of the Police Board members interview phase, serving senior police officers and other police Force executives who liaise with the Police Boards were identified. These stakeholders, who attended Police Board meetings, were identified from a review of Police Board minutes and sub-committee minutes and similarly contacted personally by letter as per Police Board members. Due to the transitory nature of policing detachments the identification of the police officers was not conducted until shortly before the interview requests. The interview questions used for Police Board members were adapted by the researcher to be relevant to the role of the particular stakeholder.

#### **4.10.7. Interview Coding**

Each interview transcript was coded with categories similar to the interview question schedules. Coding was completed such that patterns and differences of interviewees' responses could be viewed. The researcher was watchful to ensure that the coding was carried out with rigour and attention to detail as well as maintaining boundaries between each code to eliminate overlap or redundancies. It was found that one area of text from interviewees was often able to be coded into more than one of the categories. In addition often a proportion of the interview was not always relevant to the research area and, although transcribed, was not replicated as coded data. As one Board member commented during their interview, some Board members can be quite loquacious.

The researcher presented copies of the provisional coding of an interview to two fellow PhD students for their overview and comment regarding its validity. There were no adverse comments made regarding the coding. However, the researcher is aware that the PhD students had little knowledge of the subject and this may have impinged upon their ability to seriously examine the coding and as such the coding was given specific consideration for validity by the researcher.

The resulting coding was analysed for comparison using the assistance of NVivo software. A total of 45 areas were coded for further analysis. A screen shot of the main node screen showing some of the areas coded, along with the number of sources they came from and the number of references made to the subject is shown in Appendix G. The material coded was then examined by theme and the responses analysed for content and pattern. The results of the interview analysis are subsequently reported in Chapters 5 to 10 of this thesis.

The findings from the research were the result of the interpretation that the researcher made from the data that he had gathered. That interpretation is, however, influenced by the experience and assumptions that the researcher had and may not be entirely replicable by different researchers. However, the dependability of the research can be

provided by a number of techniques highlighted by Thomas (2003). These techniques include:

- (a) independent replication of the research,*
- (b) comparison with findings from previous research,*
- (c) triangulation within a project,*
- (d) feedback from participants in the research, and*
- (e) feedback from users of the research findings.*

Thomas (2003, pp.2-9)

This research does not rely on only one of these techniques; it uses comparisons with other research such as the HMICS Best Value Reviews of Police Boards and police services in Scotland as well as triangulation with results from the Police Board minute analysis, Police Board Visit analysis and the Police Board profile survey. In addition, all interviews were transcribed and sent to interviewees for comment. The results of the Police Board profile were made public prior to the commencement of the interviews and feedback from users was also taken into consideration for later preparation and analysis of interviews.

#### **4.11. Ethics**

Hart (2006) indicates that in research involving people the ethical considerations of carrying out such surveys and interviews must be considered. This ethical governance must ensure that the integrity of the research is upheld. In designing the research, factors such as informed consent, confidentiality, anonymity as well as who was to be part of the research were considered. As the research included a body of members who were elected as political Councillors, the possibility of a political bias in the nature of some of the research was also considered. These aspects were considered by

the researcher in the application of the research as well as being scrutinised and passed by the University of Strathclyde, Management Science Ethics Committee.

#### **4.12. Discussion**

Social science studies were originally led by an empirical philosophy which entailed mainly quantitative research methods. Mingers (2006) points out other disciplines using methods other than quantitative, such as interpretivism have since been developed as alternative outlooks to research. However, in the examination of a philosophical position best suited to develop this project, the long accepted philosophical views of positivism and interpretivism have been rejected in favour of critical realism. Critical realism best supported the researcher's philosophical realist ontological view of the world and was suitable for the management of the research methodology chosen to examine the research project. It appreciates that 'structures', be they physical or intangible, can have a causal effect. It recognises the epistemological view that our knowledge is socially relative.

There can be a difficulty in how to evaluate the qualitative information provided from the surveys and interviews. As Coffey and Atkinson (1996) indicate, the meaning of the narrative may be miss-represented if areas of the interview are taken out of context or fragmented. Even though questions were prepared in a schedule format for the interviewer it was found during the research that the researcher himself could inadvertently miscommunicate the question. As a consequence, care had to be taken by the researcher during the interview process to ensure clarity. However, the use of a recording device allowed the researcher to confirm that the questions were delivered correctly.

Berkowitz (1997) provides assistance by suggesting six questions to consider when coding qualitative data for analysis; these were considered for this research. It is also possible to use sophisticated software programs for analysis of qualitative data and NVivo software was used to assist with analysis. It is appreciated that this is only one of many software products that could have been used. Other methods were

## Chapter 4

considered; however, the availability of the software, on-site training at the University and appropriateness to the project made NVivo use suitable. A possible drawback for the research was the use of the researcher's own interpretation of the data. Care was taken to ensure there was no bias from the researcher in the coding and analysis.

In addition to the above methods, consideration was also given to the use of focus groups and Delphi studies to supplement the collated data. Focus groups require the participants to attend at the meetings and require commitment and time from participants. Consideration has to be given to the management of the groups by the researcher. There is always the possibility that some participants can be lost in the group and their input overshadowed. On the other hand, other participants can take over the groups without contributing much data. During the interview process many of the interviewees voiced their opinion of the volume of work they had and the little free time they had available. As such, it is possible that there may also have been difficulty in obtaining participants for a focus group.

Dick (2000) puts forward Delphi studies as a form of focus group at a distance in which the researcher acts as conduit for discussion with others individually, or perhaps via conference call, via telephone or e-mail. Although Delphi studies reduce the time demands on participants and travel requirements they do have their own drawbacks. The organisation and conduct of a study can be time consuming and require expertise. The organiser also has to be aware that it is also possible that participants of Delphi studies can lose focus if the study is over an extended period of time. Consequently, the limited benefit and the time and expense to conduct such studies would be beyond the resources of this PhD study, although could be considered for further research out-with this study.

The focus group/Delphi study may have assisted to provide a consensus for the production of a performance management framework which suits the differing range of requirements of all eight Police Boards. This otherwise might prove a challenge for consensus due to the variety of needs of each police area. However, since commencement of this thesis the Scottish Government decided on the merger of all

## Chapter 4

eight police services into a single Police Service for Scotland in April 2013. The compilation for such a performance management framework would, therefore, be redundant until the needs of the single Scottish Police Service were known and considered. These methods may be worthwhile considering at a later date for the compilation of a Scottish Police Authority Performance Management Framework. In the production of a performance management framework, consideration could also be given to the use of cognitive mapping<sup>65</sup> to provide a framework for guidance for Scottish Police Authority decisions and help to identify factors that link performance to Scottish Police Authority work.

A problem which was not answerable by the literature review or interviews was how to better establish a measure of stakeholder interaction with members of the public. Although Board members and other stakeholders were able to comment on their perceptions of public interaction it would perhaps have been valuable to contact the public directly to discuss interaction. Further questionnaires directed at members of the public may be a solution that could be investigated out-with this research. Costing issues and operational requirements for a public questionnaire on a limited budget were, however, prohibitive for the PhD project.

As indicated above initially, it was intended that the case studies would be a comparison of three representative Police Boards, one each small, medium and large. The number of responses agreeing to be interviewed from one of the targeted Boards was insufficient for the study and meant that the coverage area of the case studies was expanded to encourage a greater subject pool from six Police Boards. The interviews from subjects from six Board areas allowed a greater comparison between Police Boards and provided a better insight into Police Boards in Scotland. This was particularly beneficial considering HMICS commenced reviews of Police Boards after initiation of this study. The HMICS reviews meant that Police Boards would often learn lessons from good/bad practices at other Boards which may have resulted in differences between Boards initially expected being minimised.

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<sup>65</sup> Eden, C. and Ackermann, F. (1998).

## Chapter 4

Northern and Grampian Police Boards were not included due to the additional time and monetary costs that would be associated with the researcher travelling to interviews in these areas. The lack of these Boards' comparison only relates to the interviews; however, it is acknowledged that there is a relevant geographic and political make up of these Boards and that, ideally, it would have been beneficial to have included interviews from these Boards in this report.

The research was carried out during a great deal of consultation and decision on the future of the Scottish Police Service. This included specifically HMICS and Audit Scotland Best Value reviews as well as the consultation and decision over the future of policing in Scotland. This meant that the research had to adapt to changes in circumstances and accommodate new information and data as the project progressed.

This chapter has examined the use of survey/questionnaire and interviews methods for the research question and found there are constraints in the use of the methods. For this research to contribute to scholarly literature, improve practice and possibly influence policy, Marshall (1999) points out the methods used have to be considered to ensure that they are suitable for the research question. A critique of the methods has allowed the researcher to evaluate potential problems and offer solutions to overcome those constraints. As such, the methods highlighted above have been examined and used in this research. The results of the research are subsequently reported in the following chapters of this thesis.

## Chapter 5

### The Profile of Police Board Members in Scotland

#### 5.1. Introduction

At the commencement of this project there had been little research undertaken on Police Boards in Scotland, not only in regards to what they did and their effectiveness but also in respect of their profile. Police Boards in Scotland were made up of Councillors and, therefore, should have provided a local representation on the Police Board. However, it was not clear what the profiles of the Police Boards were and if they were a representation of the community. In order to examine the profile of Police Boards in Scotland and in part answer the research questions a questionnaire was prepared by the researcher for distribution to Police Board members. The questionnaire examined amongst other aspects their age, length of Board service, police knowledge, hours on Board duties per week, relevant professional experience and other commitments; the results are reported below (5.2.). Where appropriate the chapter is also enhanced by the addition of comments made in interviews by Police Board stakeholders with regards to the profile of Board members. The results are thereafter discussed (5.3.) before the key research findings are presented (5.4.). The results of the questionnaire give an indication of the profile of Police Boards in Scotland and, in part, provide an answer to research question 1: *Who are the Police Boards?*

#### 5.2. Results

A good response was received from all Boards with around 76% of all Police Board members and six of the eight Conveners responding. This implies that the survey gives a good representation of the profile of Police Board members in Scotland. There was a negligible difference in the response rate for women and men at 75% and 76% respectively. The response rate per Board is shown in Table 5.1. To ensure anonymity



of respondents the number of responses per Board is shown below as a percentage of the number of members and the Boards are identified as Boards A through to H.

**Table 5.1 Board Response Rate**

	<b>Board</b>							
	A	B	C	D	E	F	G	H
<b>% Response</b>	<b>74</b>	<b>77</b>	<b>100</b>	<b>80</b>	<b>82</b>	<b>77</b>	<b>73</b>	<b>56</b>

(Source: author's questionnaire survey)

Although the representation of Political Parties on Police Boards corresponded to the local proportional representation, the eight Scottish Police Boards did not all have the same representation of Board members per voter. The following political make-up of the Police Board members in Scotland, in Table 5.2 below, may therefore have not represented the overall Scottish Local Authority political representation. This Police Board political information was obtained from each Local Authority website for respective Councillors and is the representation of Police Board members at August 2009 and is shown here for information only.

**Table 5.2 Political Party Representation of Police Board Members in Scotland**

<b>Political Party</b>	<b>Frequency</b>	<b>%<sup>66</sup></b>
Labour	<b>39</b>	<b>26</b>
Scottish National Party	<b>38</b>	<b>26</b>
Independent	<b>28</b>	<b>19</b>
Liberal Democrats	<b>23</b>	<b>15</b>
Conservative	<b>20</b>	<b>13</b>
Other <sup>67</sup>	<b>1</b>	<b>1</b>
<b>Total</b>	<b>149</b>	<b>100</b>

(Source: Police Board/Local Authority profiles)

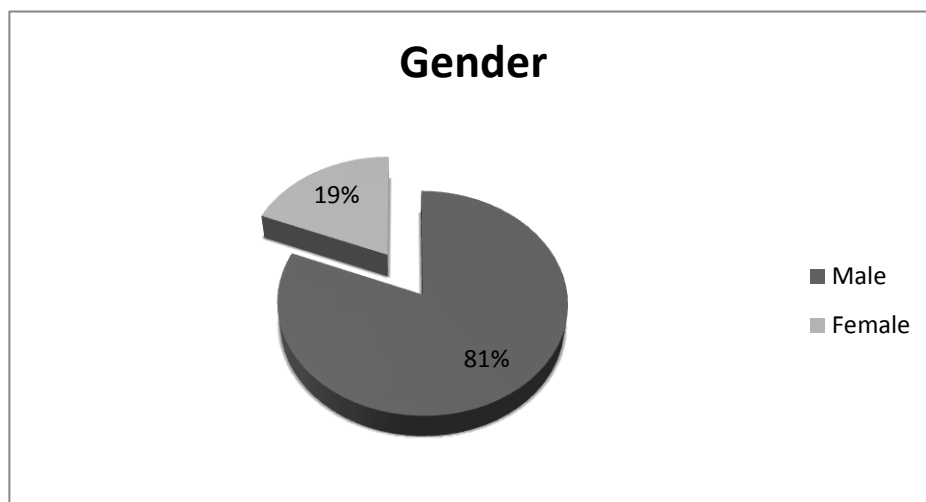
<sup>66</sup> To closest % figure.

<sup>67</sup> Independent but related to a specific local objective.

**5.2.1. Gender of Board Members**

From the initial archival research 149 Scottish Police Board members were identified. Of these Board members only 28 (19%) were female. This gender character of the overall Scottish Police Board is represented in Figure 5.1. However, there was a difference between Police Boards which ranged between no women to around 30% of the Board being women.

**Figure 5.1 Gender of Board Members**



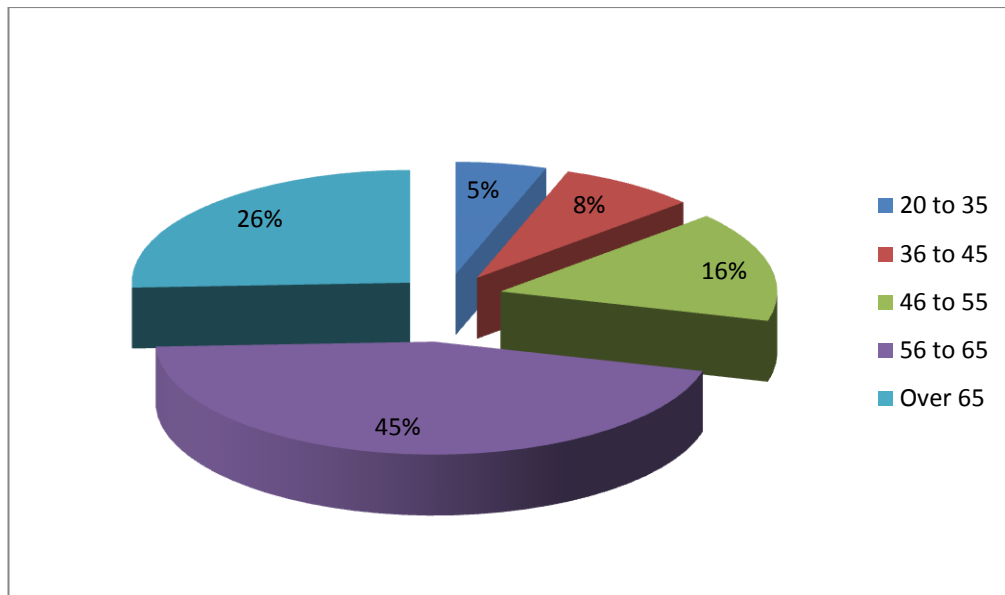
(Source: author's questionnaire survey)

This finding becomes, perhaps, more disproportionate when we consider at the time of the research none of the eight Conveners were women. It was also noted that of the 29 independent members on the Police Boards, none were women.

**5.2.2. Age of Board Members**

From the experience of visiting meetings of all eight Police Boards the researcher noted that the majority of the members appeared to be in a similar age range. Question 12 of the survey therefore asked members to indicate which age range they were in. Figure 5.2 indicates the responses given for members' ages.

**Figure 5.2**                      **Age Range of Board Members**



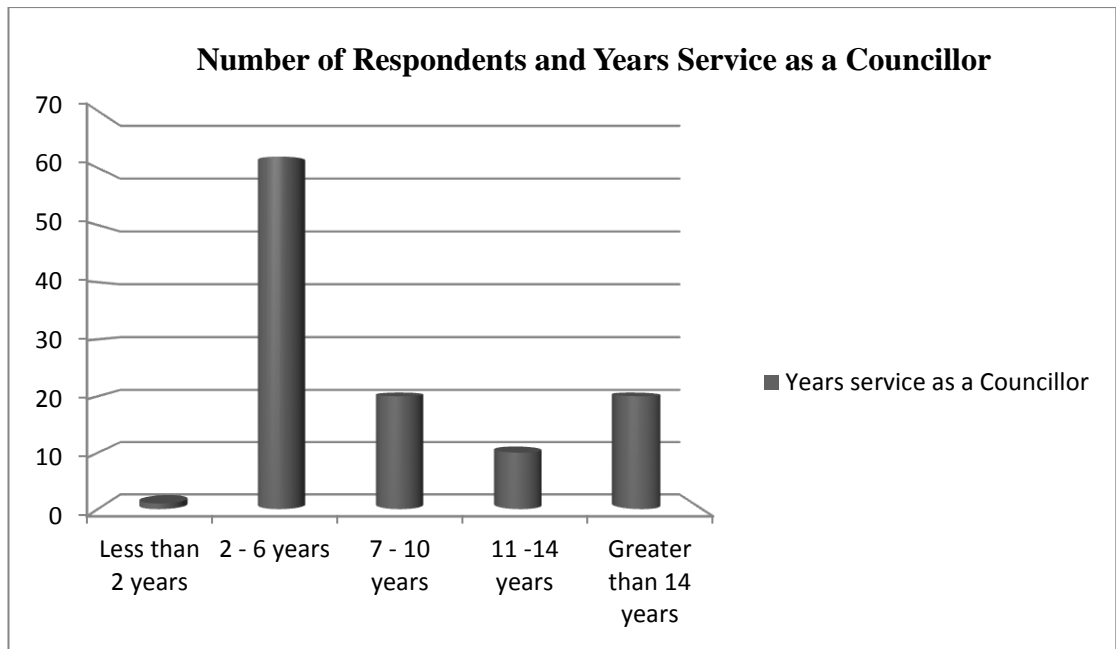
(Source: author's questionnaire survey)

All 113 members who replied responded to this question and the majority indicated they were aged 55 or above (71%). 45% were aged between 55 and 65 whilst 26% of Board members responding were over 65. 13% were under 45 and only 5% (none of whom were female) were 35 years of age or under. The age of Board members was similar throughout all eight Boards.

### 5.2.3.                      **Members' Length of Service**

Question 1 of the survey asked respondents how long they had served as a Councillor. The responses were designed to correspond to the normal Council service length of four years<sup>68</sup> taking into account the Council elections of 2007. Those who responded with less than two years would, therefore, have been elected after the 2007 elections whilst new 2007 Councillors would be represented in the two to six years' service length section. There were 113 respondents and Figure 5.3 shows the number of respondents and their years of service as a Councillor.

<sup>68</sup> The researcher is aware that the 2007-2012 Council duration was five years; however, this had no effect on Councillors' retrospective service at the time of the survey.

**Figure 5.3 Respondents' Service as a Councillor**

(Source: author's questionnaire survey)

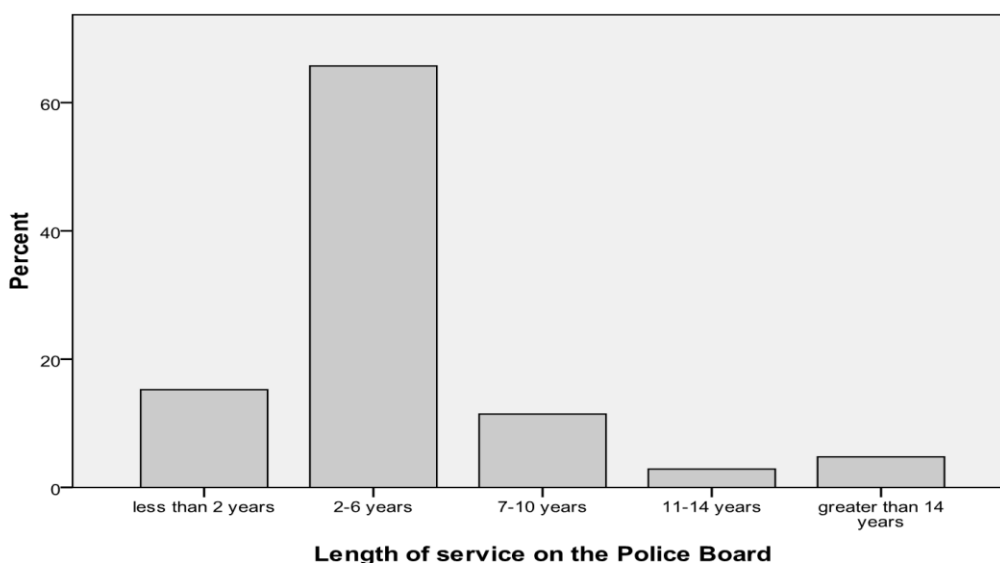
The most represented profile of members, 62 (55%) is within the two to six years of service experience as a Councillor suggesting the majority of members on the Police Boards were relatively new Councillors elected in May 2007. There were 20 respondents who had 7-10 years of Council service as well as 20 with over 14 years Council service. 10 respondents had between 11 and 14 years Council service whilst only one reported less than two years. There was, however, a variance between Boards with respect to members' Council experience. One of the Boards had a large percentage of its members (46%) who responded that they had in excess of 14 years of Council service; the next closest Boards were 29% then 10%. Three of the Boards had no members who indicated in excess of 14 years' Councillor experience. Only two Boards had more than two members who indicated more than 14 years' Council service whilst one Board had no members who indicated more than 10 years' Council experience.

Question 2 of the survey asked how long the members had served on a Police Board. 113 members responded (Figure 5.4) and, overwhelmingly, 66% indicated that they

had two to six years' service on the Police Board. Taking into account the responses for the members who indicated less than two years on the Police Board (16%) this response rate suggest that the majority of Board members (82%) were new to Board duties in 2007 with less than one fifth of Board members having more than six years Board service.

Only 5% of respondents indicated that they had served more than 14 years as a Police Board member, it was also noted that none of these were women. In five of the Boards there were no respondents who indicated more than 10 years' experience on a Police Board, and only one Board had more than two respondents with more than 10 years' Police Board experience.

**Figure 5.4 Members' Length of Service on the Police Board**



(Source: author's questionnaire survey)

During the subsequent interviews of Board members approximately 18 months after the survey, they were asked by the researcher how long they had been Councillors and how long they had been members of their Police Board. Overall, at that time, the average period interviewees had spent as a Councillor was just under eight years

whilst the average spell as a Board member was just over five years. It was also noted that those Councillors who had less than five years and would have been elected for the first time in 1997 made up 40% of all Councillors. In comparison 70 % of Board members had less than five years' experience on Board duties. Considering the later time in the Boards' life this finding was comparable to the findings from the Police Board profile survey.

#### **5.2.4. Reason for Joining the Police Board**

The researcher made requests to Local Authorities by letter and e-mail to identify how and why Councillors were elected as Police Board members. Around half Local Authorities responded and indicated that Councillors were put forward as candidates for the Police Board by their Political Party. The numbers of members put forward by each party was indicated to be according to Political Parties' proportional representation on the Local Authority as defined by Council orders. Members were either put forward without discussion or informal or formal discussion with their Political Party.

There was no indication that members put forward for the Police Board were ever rejected. Question 3 of the survey, therefore, asked the respondent to identify how they were selected as a member of the Police Board. 108 members responded to this question and overwhelmingly members indicated that they were either nominated after indicating informal interest (42%) or formal interest (39%) to their party. This indicates that over 80% of Board members had an interest in the post prior to their nomination. Of course, conversely, it also suggests that around one fifth of Board members had not indicated an interest in the Police Board prior to their election.

This information was built upon during interviews when Board members were given the opportunity to indicate the reason for their Police Board membership. In general Councillors responded that after election as a Councillor they were given the opportunity to apply for membership of committees and boards which they wished to

join. Those who indicated that they had expressed their interest to join the Police Board included the following reasons:

- They had an interest in policing.
- They were ex-police officers, relatives of police officers or employees in the justice system.
- To ensure local priorities were reflected in policing.

Not all interviewees held a similar reason for joining the Police Board as one Board member replied:

*“It also suits my timing because the Police Board meetings are normally on a (date omitted to assist in anonymity) and they don’t have them at other times so I can arrange my rotas at my shop so I can cover it.”*

Although the above indicates a preference or reason of some members for joining the Police Board, some Board members also indicated that membership of the Police Board was not their own choice. Examples of such responses are reported in case study 5.1 below.

**Case study 5.1**

**Reasons for Appointment to the Board**

*“No it’s down to the Leader, or the Leader of the \*\*\*\*\* (omitted to assist anonymity) group obviously to nominate people for the Police Board” (Police Board member)*

*“Because I was asked to do it. .... because I represent the City Centre and obviously there’s a lot of police issues there” (Police Board member)*

*“I didn’t join it. I went off on holiday about ten days after I’d become a Councillor and when I came back found out I had been appointed to it” (Police Board member)*

**5.2.5. Police Board Sub-committees**

Police Boards may form sub-committees where some Board matters are delegated to for examination and discussion. Examples of these sub-committees are shown in Chapter 6; in general they vary between Police Boards but may include sub-committees such as complaints, audit and personnel. Question 4 of the survey asked members how many Police Board sub-committees they were on, in addition to the Police Board. 108 members responded to this question and the results shown in Table 5.3, below, indicate that the majority of Police Board members were in one or two Police Board sub-committees.

**Table 5.3 Police Board Sub-committee Members**

<b>Number of Sub-committees</b>	<b>Members (%)<sup>70</sup></b>
None	<b>21</b> (19%)
1	<b>26</b> (24%)
2	<b>38</b> (35%)
3	<b>12</b> (11%)
4 or more	<b>11</b> (10%)

(Source: author's questionnaire survey)

It is interesting to note that although slightly in excess of 10% were in four or more Police Board sub-committees there were also nearly 20% of respondents who were not involved in any sub-committees. There was only one Board which had all respondents in a Police Board sub-committee. 66 (76%) of the 87 respondents who reported being on Police Board sub-committees were aged 56 or more. This was slightly more than the 71% over the age of 55 on the full Board. This may be explained by the impression that some Board members may be retired and have additional time to contribute to sub-committee work.

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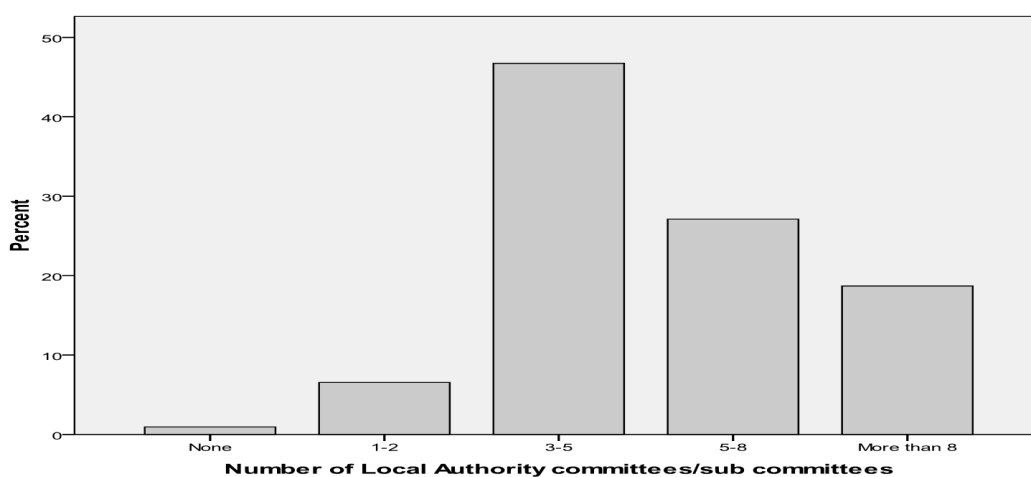
<sup>70</sup> Rounded to closest % figure.



### 5.2.6. Local Authority Committees or Sub-committees

Police Board representation was only one of the many responsibilities that elected members may have had. To try to gauge an indication of the number of distractions in addition to Board duties, Question 5 asked how many Local Authority committees or sub-committees respondents were also members of. The results from the 110 respondents to this question are indicated in Figure 5.5 below. This shows that the majority of members, 52 (47%), were involved on more than three Local Authority committees or sub-committees. 30 (27%) respondents indicated they were in five to eight, and 20 (18%) were on more than eight Local Authority committees or sub-committees. Only seven (6%) members reported being in less than three whilst only one member (<1%) was not on any Local Authority committee or sub-committee.

**Figure 5.5 Members on Local Authority Committees or Sub-committees**



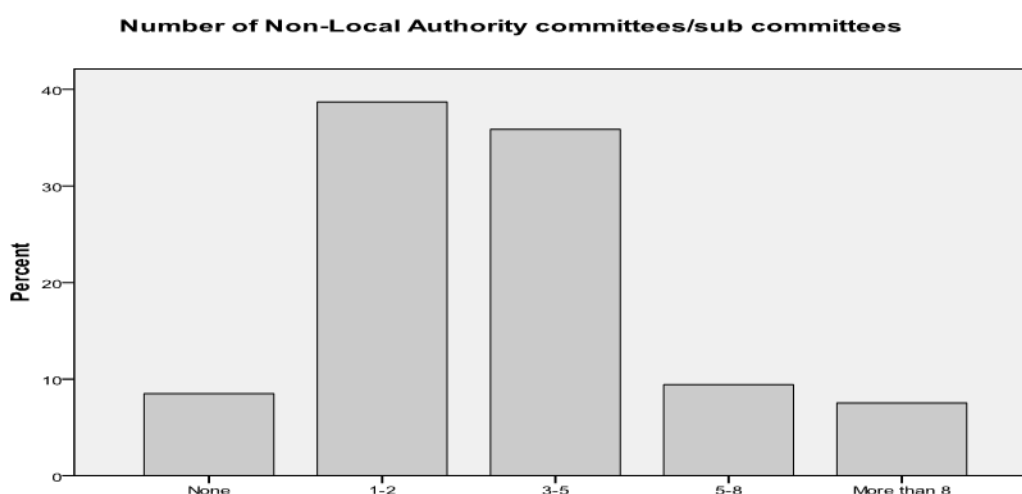
(Source: author's questionnaire survey)

Of the 105 respondents who answered both questions 4 and 5 there was no one who indicated that they were not a member of either a Police Board sub-committee or a Local Authority committee or sub-committee. 83 of the 105 (79%) reported being a member of a Police Board sub-committees as well as a Local Authority committee or sub-committee.

### 5.2.7. Additional Boards, Committees and Sub-committees

It was noted in the archival research that several members reported they were also members of some non-Local Authority board, committees or sub-committees. Question 6 therefore, asked how many such boards or committees members were on. 107 members responded to this question and over 90% of respondents indicated being members of such boards or sub-committees in addition to their Local Authority and Police Board committees and sub-committees. The results are shown in figure 5.6, below. The majority of Board members reported that they were on one to two (38%) or three to five (36%) non-Local Authority boards, committees or sub-committees. Although less than one tenth (9%) reported not being on any additional committees nearly 18% said they were on more than five which included 8% who were on more than eight non-Local Authority boards, committees or sub-committees.

**Figure 5.6 Non-Local Authority Boards/Committees/Sub-committees**



(Source: author's questionnaire survey)

Of the 109 respondents who answered both question 5 and 6, almost 90% said they were a member of a Local Authority committee or sub-committee as well as non-Local Authority committee or sub-committee. Six respondents reported to be in more than eight Local Authority committees and more than eight non-Local Authority committees with five of the six also found to be members of at least one Police Board

sub-committee. The sixth respondent did not indicate an answer to how many police Board sub-committees they were on. It is clear that many Police Board members had many other constraints on their time in addition to Police Board duties.

### 5.2.8. Board Members' Experience of Policing

Police Board members had differing experiences of police work; some had experience before becoming a Police Board member and some gained experience after becoming a member. Question 7 and 8, therefore, asked members' to indicate their experience of police work before and after joining the Police Board. Although some members had no experience of police work prior to or following becoming a Police Board member some had experience in more than one area. 112 respondents answered Question 7 whilst 110 gave a response for Question 8. The respondents had the opportunity to make multiple responses to the questions and, as such, response rates do not equal 100%. The respondents' experiences of police work before joining the Police Board are recorded below in Table 5.4.

**Table 5.4 Experience of Police Work before Joining the Police Board**

<b>Police Experience</b>	<b>Members (%)<sup>71</sup></b>
Had no previous experience of police work	<b>57</b> (51%)
Had some other experience of police work	<b>26</b> (23%)
Had accompanied police officer on patrol	<b>17</b> (15%)
Was an employee of a police service	<b>13</b> (12%)
Have taken part in custody visiting scheme	<b>6</b> (5%)

(Source: author's questionnaire survey)

Of the 12% of respondents who indicated that they were an employee of a police service 85% were new Councillors with two to six years' experience. Respondents who indicated that they had some other form of policing experience were given the

<sup>71</sup> Rounded to closest % figure.

## Chapter 5

opportunity to identify what type of experience they had. There was a great variety of policing experience and examples included:

- a police officer was a member of their family
- as a Justice of the Peace
- as a Magistrate
- as a Procurator Fiscal Depute
- as a special constable
- through involvement with crime stoppers
- through police contact as a Councillor

Prior to joining the Police Board over half of respondents, 55 (51%) indicated that they had no experience of police work. After joining the Police Board this reduced to 32 (29%) respondents who indicated that they still had no experience of police work. There was a similar finding for respondents who were also on Police Board sub-committees with 52% of those who were on Police Board sub-committees reporting they had no prior policing experience. This reduced to 25% still having no police experience after joining the Board. The respondents' experiences of police work after joining the Police Board are recorded in Table 5.5.

**Table 5.5 Experience of Police Work after Joining the Police Board**

<b>Police Experience</b>	<b>Members (%)<sup>72</sup></b>
Have accompanied police officer on patrol	<b>55</b> (51%)
Have no experience of police work	<b>32</b> (29%)
Have some other experience of police work	<b>23</b> (21%)
Have taken part in custody visiting scheme	<b>19</b> (17%)
Was/is an employee of a police service	<b>4</b> (4%)

(Source: author's questionnaire survey)

Perhaps the most significant change in policing experience was the rise in those that had accompanied police officers on patrol from 15% before joining the Police Board to 51% after joining. Those that had taken part in the custody visiting scheme also showed a rise after joining the Police Board, from 5% to 17% of respondents. However, this is perhaps disingenuous as the custody visitors cannot be Police Board members and, perhaps, respondents were indicating their experience of governance of the custody visiting scheme.

### **5.2.9. Additional Occupations**

Background research indicated that some Police Board members had additional occupations other than as a Councillor. Consequently, question 11 of the survey asked members to identify what other occupation they had and whether remuneration was received. Respondents were able to make multiple entries for this question and percentage responses, therefore, do not total 100%. The results of the 109 members who responded are recorded in Table 5.6. 58 (53%) of the respondents replied that they had no occupation other than as a Councillor. However, this suggests that just under half (47%) had some other form of occupation as well as a Councillor with almost 15% indicating one or more other full time occupation. All the respondents who reported having a full time occupation were male. 35 (32%) of the respondents

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<sup>72</sup> Rounded to closest % figure.

indicated remuneration from either their other full or part time occupation. Two of these respondents had both an additional full and part time occupation.

**Table 5.6 Occupation in Addition to Councillor**

<b>Occupation Other than as a Councillor</b>	<b>Members (%)<sup>73</sup></b>
None	<b>58</b> (53%)
Yes part time for which remuneration is received	<b>22</b> (20%)
Yes full time for which remuneration is received	<b>15</b> (14%)
Yes part time which is unpaid/voluntary	<b>10</b> (9%)
Yes - other	<b>10</b> (9%)
Yes full time which is unpaid/voluntary	<b>1</b> (1%)

(Source: author's questionnaire survey)

The respondents were not asked explicitly about their additional occupation, but it was indicated from the background research<sup>74</sup> that additional occupations of Police Board members included:

- Store Manager
- Farm Manager
- Director of law centre
- Voluntary worker
- Social worker
- Musician
- Member of the Scottish Parliament

<sup>73</sup> Rounded to closest % figure.

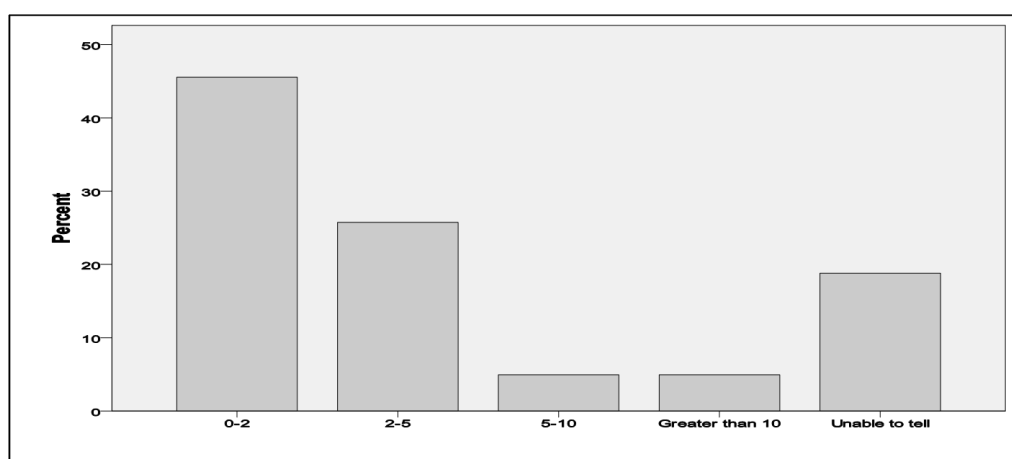
<sup>74</sup> Information for Councillors that was available on Council web sites as at August 2009.

### 5.2.10. Time Spent on Police Board Duties

With some members working on several boards and committees and some reporting having other full time jobs, question 9 asked members how many hours a week they estimated they spent on Police Board business. 109 members answered this question and the results are shown in figure 5.7 below. 19 (17%) respondents reported that they were unable to tell how much time they spent on Police Board business. Close to half of Board members, 51 (47%) reported that on average they spent less than two hours per week on Police Board business. However when the 19 respondents that were unable to tell were removed from consideration the percentage of respondents who spent less than two hours on Police Board business rose to 57%.

Interestingly 83% of those under 35 said they spent less than two hours on Board business. The next closest group was the 46-55 age group at 61% with the remainder around 40%. Five respondents indicated that they spent more than ten hours per week on Police Board Duties. Four of these respondents were Conveners and the fifth respondent indicated that they participated in more than four Police Board sub-committees. Of the other two Conveners who responded to the survey, one indicated that they spent two to five hours per week on Board business and the other did not give a response to this question<sup>75</sup>.

**Figure 5.7 Hours per Week Spent on Police Board Business**

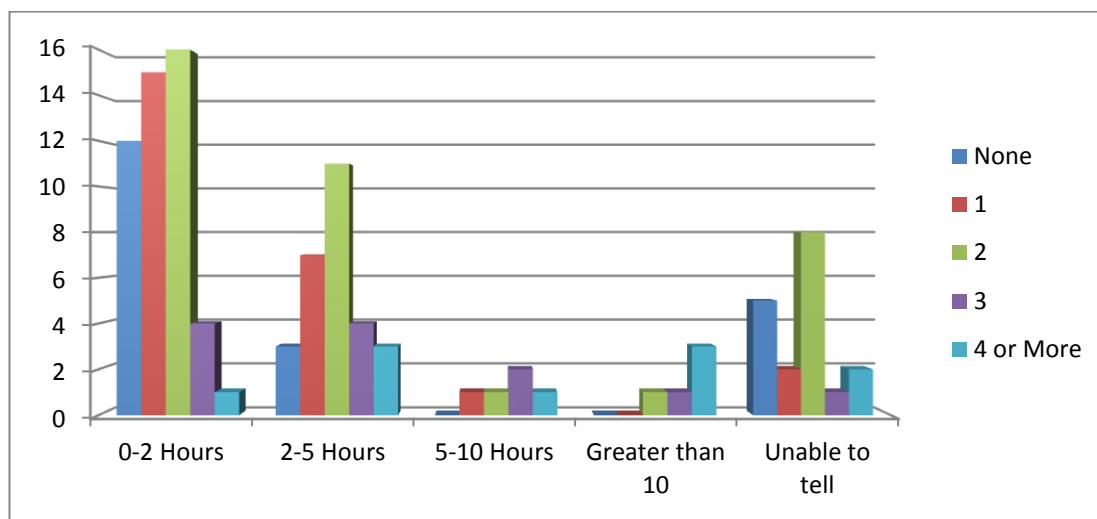


(Source: author's questionnaire survey)

<sup>75</sup> The respondent appeared to have missed the relevant page on the questionnaire.

Figure 5.8 below shows a cross tabulation between the hours per week on Board business and the number of Police Board sub-committees the respondent indicated they were on. 104 members responded to both questions.

**Figure 5.8 Police Board Sub-committees and Hours of Police Board Work**



(Source: author's questionnaire survey)

The cross tabulation tends to suggest a reflective link between time spent on Board duties and the number of sub-committees the Board member was on. In particular, this is evident with those reporting spending greater than 10 hours on Police Board duties.

The percentage of those spending greater than two hours on Board business is shown in Table 5.7, and can be clearly seen to increase with the number of Police Board sub-committees the respondent was on. Not including the respondents that were unable to tell how long they spent on Board business there is an overall indication that, as might be expected, members increase the number of hours per week they spend on Board business in correlation to the number of Police Board sub-committees they were on.



**Table 5.7 Police Board Sub-committees and >2 Hours Board Work**

	<b>Police Board Sub-Committees</b>				
	None	1	2	3	More than 4
<b>% of members &gt;2 Hours Board Work<sup>76</sup></b>	<b>20%</b>	<b>35%</b>	<b>52%</b>	<b>64%</b>	<b>88%</b>

(Source: author's questionnaire survey)

Some of the Board members, who indicated that they held a full time or part time occupation other than a Councillor, indicated that they had more than one full or part time post or combination of both. Consequently, it was examined to see if those who had reported other full and part time occupations would indicate that they spent the same time on Police Board duties as those who had indicated no other occupation.

Excluding those who were unable to tell how many hours per week they spent on Police Board duties 45 respondents indicated at least one additional full or part time occupation and 45 indicated no other occupation. Of those who indicated another occupation 16 (36%) indicated that they spent greater than two hours per week compared to 23 (51%) of those with no other occupation. This suggests that on average the Police Board members who had an additional full and/or part time occupation seemed to spend less time per week on Board duties than those with no additional occupation.

### **5.2.11. Experiences of Board Members**

Board members could bring valuable experience to the Police Board meetings. Thus, members were asked to indicate if they had any experience in areas thought appropriate to Police Boards. These areas were highlighted by earlier research in the introductory chapters of this thesis and include finance, management, human resources and governance. Question 13 of the survey asked members to indicate the

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<sup>76</sup> Rounded to closest % figure.

nature of their experience, if any, and allowed for multiple responses for their experiences.

110 members responded to this question and the experiences they reported are shown in Table 5.8, below. Almost three quarters (73%) indicated that they had experience in management prior to joining the Police Board. Over half of members indicated experience of finance (51%), whilst around two fifths specified experience in human resources (42%) and governance (39%).

Some Board members, however, indicated that they had no experience of finance, management, human resources or governance prior to becoming Police Board members (15%). Consideration was given for members having experience in multiple areas and the question allowed for responses in more than one field. A large number of respondents made multiple responses and, accordingly, total response rates exceed 100%.

**Table 5.8 Experience of Board Members**

<b>Area of experience reported by member</b>	<b>Number of members (%)</b>
Management	<b>80 (73%)</b>
Finance	<b>56 (51%)</b>
Human Resources	<b>46 (42%)</b>
Governance	<b>43 (39%)</b>
None of the above	<b>16 (15%)</b>

(Source: author's questionnaire survey)

It is interesting to note that perhaps the area of expertise most relevant for Board members that of governance, was an experience reported by less than half of the members. One experienced member responded that they did not know what the researcher meant by governance. It was also worth noting that two of the six Conveners who responded also reported no experience of governance.

Members who responded to this question were also given the opportunity to indicate the nature of their experience. There was a broad experience reported by members. Examples of experience included running a business, managerial experience, voluntary sector board experience, police supervision, head of a department, company director and Councillor. An interesting question was raised at an interview by a senior police executive below who, although satisfied with the experience brought to the Board by members, commented on how the Board came by its collective experience.

*“Collectively we may be lucky in the make-up of a Board that we have people with rich experience in finance or HR or performance type work you know that business background all of which might assist the others. The reality is that that is more by luck than judgment,”* (senior police executive)

### **5.2.12. Qualities of Board Members**

The Police Board profile survey indicates that the background and experience of Police Board members was diverse. In order to gain an understanding of the qualities that a Police Board member thought they should have, Board members were asked by the researcher at interview what qualities they felt they brought to their Police Board. Not all Board members who responded to this question gave a clear indication of what qualities they brought. Some of the responses indicated generic qualities from life experience and some listed what they did on the Police Board rather than qualities.

Overall 25 members gave 33 responses that could be categorised. This provided a total of 15 separate qualities. Eight of these 15 qualities were attributable to individual respondents. The other seven qualities are listed in Table 5.9 in rank order of the number of respondents indicating the quality that they felt made them suitable for the Police Board. The responses varied in what the interviewee thought they brought to the Board with, at most, just over one quarter of interviewees giving the same quality.

**Table 5.9** Qualities Police Board Members Brought to the Board

<b>Quality</b>	<b>Number (%) of respondents indicating the quality</b>
Knowledge of policing	<b>7</b> (28%)
Ability to question	<b>5</b> (20%)
Being a Councillor	<b>5</b> (20%)
Analytical ability	<b>3</b> (12%)
Managerial experience	<b>3</b> (12%)
Hard worker	<b>2</b> (8%)
Lack of police knowledge	<b>2</b> (8%)

(Source: author's interviews)

The clear, leading response was knowledge of policing. Most of the respondents who indicated this quality were retired police officers, a few others had police support staff experience or had a family member who was a police officer. It was interesting to note that although the quality interviewees most reported that they brought to the Board was knowledge of policing some Board members also felt that a lack of police knowledge was a quality they possessed that helped in their Police Board duties. It was suggested by some of these Board members that the lack of police knowledge allowed them to view their duties from an objective position. One fifth of interviewees who responded to this question reported that they thought being a Councillor and an ability to question were attributes that they brought to the Police Board.

Other qualities that had more than one response included analytical ability (three interviewees), managerial experience (three interviewees) and being a hard worker (two interviewees). Other responses not recorded above made by individual members included risk management expertise, finance expertise, objectivity, the ability to compile reports, life experience, philosophical expertise, knowledge of public needs and religious reasons.

**5.2.13. Local Knowledge**

To gauge an idea of Board member's local knowledge of their police area Question 10 asked members how long they have lived in the area. Overwhelmingly 95% of the 109 respondents indicated that they had resided in their Police Board area for greater than 10 years. No-one reported living outside their Police Board area or having lived there for less than two years and no respondent over 56 years of age had lived in their Police Board area for less than ten years.

**5.3. Discussion**

A response from 76% of Police Board members ensured that the survey gave a good representation of the profile of Police Board members in Scotland and in part helped to answer some of Huse's questions identified in Chapter 3 and puts forward some answers to research questions 1 and 2.

The Police Board survey carried out by the researcher indicated that the general profile of the average Police Board member would be expected to be male, at least 56 years of age and to have resided in the Board area for more than 10 years. He would have been relatively inexperienced as a Councillor and Police Board member although he would have some experience of management. In addition to the Police Board he would have been a member of at least three Local Authority committees or sub-committees as well as at least one non Local Authority committee or sub-committee. Having expressed an interest to join the Police Board he would probably have spent between zero and five hours on Board duties per week.

Indications are that the Police Board members may not have reflected the Scottish population in particular in relation to age and gender. Archival research showed that most of the members of Police Boards in Scotland were male with less than one fifth of members being female. This was slightly less than the COSLA (2008) study which indicated that 22.4% of Councillors were women. There was a variance between Boards ranging from none to around 30% of a Police Boards members being women.

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Although the researcher is aware that historically a woman has been a Convenor of a Scottish Police Board there were no women Conveners at the time of this research. The number of female Police Board members fell far short of an equal proportional representation, considering that women represent 52% of the Scottish population<sup>77</sup>. This is even less than the finding of an Audit Scotland (2010) survey on the role of boards which indicated one third of boards of public bodies comprise of women. However, the Audit Scotland report indicated a lower percentage of women on FTSE 100 companies at only 12.5% of board members. The thesis survey results also showed no female respondents under 35. Davies (2011) reported that boards with more women were more efficient. This would be a benefit to and appropriate for Police Boards.

The respondents to the survey also indicated that they were in the majority (71%) aged over 55 and one quarter over 65. This was also similar to the COSLA (2008) survey where 35% of Councillors were found to be 60 or over. Although Scotland has a much publicised ageing population the representation here was, again, far from a true picture of the Scottish population. The Board membership did not compare to the Scottish age representation of 49% of adults being aged less than 45 years of age<sup>78</sup>. The Board profile survey was designed prior to the publication of the Scottish Government survey. It is acknowledged at this time that the Board survey age grouping of the thesis does not replicate that of the Scottish Government survey and, ideally, in retrospect could have shown a closer reflection.

The age of the majority of Board members exceeding 55 may have reflected upon their ability to engage in their duties through lack of technological nuance. Morris and Venkatesh (2000) suggest that the older a person is the less they are likely to accept and use technology in their personal lives. Reiser (2001) put forward the Instructional Technologies Timeline which indicates that the year when you went through your childhood or formal training can influence to what degree you were exposed to technology and, therefore, the comfort with the use of technology.

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<sup>77</sup> The Scottish Government (2009).

<sup>78</sup> The Scottish Government (2009).

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It is suggested, therefore, that the higher age of Board members than in society generally may mean they are disadvantaged in the use of technology in their duties. This is not because of the environment they work in or their cognitive ability, but because of the disadvantage that they did not grow up with technology. This suggestion has some credence for Board members as some interviewees report that although their offices were provided with IT equipment their colleagues may have had difficulty with accessing electronic Board information.

It should be noted that the thesis survey elected not to ask specific questions regarding ethnicity or disabilities and, hence, no comment is made with regards to these in the Police Board profile in this report. Although the information would have been interesting to establish it was elected not to request this information in the survey in order to streamline the questionnaire and aid response.

More than half of the respondents reported that they had less than six years' experience as a Councillor. Taking into account the date of the Council elections prior to the survey (May 2007), this suggests that over half of the respondents on the Police Boards were elected at that Council election and, therefore, were relatively inexperienced with just over two years as a Councillor at the time of the survey. This is, perhaps, even more relevant for respondents' skill as a Police Board member with 82% of respondents also indicating less than six years' Police Board experience which, as above, would suggest just over two years' experience at the time of the survey.

Chapter 3 of this thesis referred to questions identified by Huse (2007) that should be asked when reviewing boards<sup>79</sup>. Four of these questions replicated below referred to the profile of the board.

- *What is the contribution of each member? (This looks to consider aspects such as the length of board service of each member, age, professional background, skills and the contribution by members to the board and committees)*

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<sup>79</sup> Replicated in Appendix K.

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- *What gaps are there from members on the board?*
- *Is there a need for succession planning?*
- *Is the training for members suitable?*

Huse's first question, above, asked what the contribution of each board member is. The above research answers this in part and will be added to in Chapter 6. Of respondents who were able to tell how long they spent each week on Police Board business over half (57%) indicated they spent less than two hours. There was an apparent diversity between age of respondents and time spent on Board duties. Only 17% of those under 35 indicated spending more than two hours per week compared to 61% of those over 65. There is also an indication that those with more experience as a Councillor and those with more experience on a Police Board tend to spend, on average, more time per week on Police Board duties. It is perhaps surprising, therefore, to find that nearly 20% of respondents were not a representative on any Police Board sub-committees and only one Board had all respondents who indicated that they were on Police Board sub-committees.

A similar response for time spent on Board duties was found with length of service as a Councillor and service on a Police Board. Those respondents with more than seven years as a Councillor and/or Police Board member appeared more likely to spend more than two hours than those with less than seven years. It was also clear that the more Police Board sub-committees a respondent was on increased the likelihood of the respondent reporting spending more than two hours on Police Board business. Just under half of respondents reported having another full or part time occupation other than a Councillor, of these one third were in receipt of remuneration for this post. It was, therefore, examined if respondents having another occupation spent the same time on Board business as those without another occupation. It was found that those not having another occupation reported being more likely to spend more than two hours on Police Board duties than those with another occupation, this may be partly



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explained by those not having another occupation being also slightly more likely to be on a Police Board sub-committee.

Of respondents able to indicate how long they spent on Police Board duties 57% estimated they spent less than 2 hours per week. Not taking into consideration holidays and other abstractions from Board duties, two hours per week would equate to Police Board members committing around 12 working days per year to their Police Board duties. This is a minimal commitment to Board duties when compared to the Audit Scotland (2010) report of the average number of days of 51 and 151 that non-executive and chairs respectively were expected to commit to NHS bodies.

Members of Police Boards also had their Council responsibilities to perform and over 90% of respondents indicated that they were in three or more Local Authority committees or sub-committees as well as the Police Boards. Over 90% of respondents also indicated that they were members of non-Local Authority committees or sub-committees with most (73%) being in one to five committees or sub-committees. Although this would undoubtedly be a drain on the time of the Board members Kosnick (1987), referring to corporate boards, suggests that the multiple board membership of some board members could also lead to an informal coordination of corporate activities. Membership of a variety of Boards may, therefore, help Boards work together effectively with other public service organisations which was a key objective of the Christie Commission (2011).

Huse's second question regarding board membership asked what gaps are there from members on the board? As members of a Police Board, Councillors are expected to understand policing and, consequently, policing experience of members would be relevant. Tricker (2009) indicates knowledge of the enterprise is an essential skill for board duties. Over half (51%) of respondents indicated that they had no experience of police work prior to joining the Police Board. There was an indication of an increase in the number of respondents accompanying officers on patrol and participating in the custody visiting scheme after joining the Police Board. However, although the policing experience of respondents increased after joining the Police Board, close to one third of respondents (29%) still indicated having no experience of police work.

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This response was similar for those who were involved in Police Board sub-committees. Tricker (2009) suggests that the board members' knowledge of the company was a good indication of the effectiveness of the board. Although a Board member may have knowledge of policing without experience of policing, it is suggested that Police Board members' lack of experience of policing may be detrimental to their governance of the police Force.

As indicated in Chapter 3 of this thesis, the Scottish Executive (2006) guidance gives the main roles of a board member as giving leadership and strategic direction, defining control mechanisms to safeguard public resources, supervising the overall management of the bodies' activities and reporting on stewardship and performance. In addition to these qualities, the Scottish Government (2011) consultation on the future of policing suggested that members of a Scottish Police Authority should have knowledge of policing issues; knowledge of Local Government; financial skills; strategic skills; and legal/criminal justice knowledge. Tricker (2009) also suggests that a corporate board member should have essential skills including: Strategic reasoning, perception and vision, a critical faculty capable of quantitative and qualitative analysis and financial interpretation, planning and decision making capabilities, communication and interpersonal skills, networking and political abilities and knowledge of the enterprise, its business and board level activities as well as relevant political, economic, social and technological information.

Archival research indicates that the duties involved as a member of the Police Board included aspects of finance, management, human resources and governance. The main qualities that members identified that they brought to the Police Board included knowledge of policing, the ability to question and being a Councillor. Although almost three quarters of survey respondents indicated some experience in management only half had any experience in finance. Around two fifths of respondents indicated that they had experience in human resources and/or governance. However, many Board members appeared lacking in experience in the roles indicated above by the Scottish Executive (2006), Tricker (2009) and the Scottish Government (2011). Of

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course a Board may possess the above qualities on a holistic level but as suggested by an interviewee above that would be likely to be more by chance than by organisation.

Of particular note was that none of the Board members indicated the awareness or possession of strategic reasoning. There was, therefore, an indication that Board members were lacking in strategic planning expertise. Not surprisingly this was one of the aspects that the HMICS Best Value Reviews of Police Boards 2009-2012 indicates as lacking to some extent for most Police Boards. The Nolan Committee (1996) also indicates seven general principles for boards in the public sector which include '*selflessness, integrity, objectivity, accountability, openness, honesty and leadership*'. Again, many of the aspects were not directly indicated as possessed by Board members. In general Police Board members indicated they had an interest in policing and had volunteered for the Police Board, although this was not always the case.

Huse's third question asked if there was a need for succession planning. There appears to be a quick turnaround in Councillors/Board members; hence the retention of knowledge, expertise and resilience of the Boards was under threat. There appeared to be little or nothing in the way of succession planning to counteract the loss of Board members and experience. The election of Councillors is at the whim of voters and when elected, members were appointed to the Police Board by the relevant Council.

There was a Council election in May 2012 when new Councillors were elected. The researcher re-examined the Police Board members appointed for Strathclyde Police Authority. Of the 34 Police Authority members in July 2012 only nine appear to have been on the previous Police Authority. This equated to a retention rate of just over 28% for the 2012 Police Authority. This is similar to the overall retention for all Police Board members in Scotland in the thesis survey, which was assessed at around 30%. The poor retention at the 2007 election was suggested to possibly relate to Councillor employment regulation changes. The subsequent poor retention of Board members on the 2012 Police Authority may relate to the limited life of the Authority prior to the establishment of a Scottish Police Authority for the Scottish Police Service in April 2013. Of course, this might simply be due to an overall poor retention of

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Councillors. It would appear that succession planning was something lacking for Police Boards in Scotland. There was no guarantee that Board members would be re-elected or re-appointed. As such it appears that each Police Board had little control over the appointment of its members, which may be one of the reasons that during the review of minutes and Board visits there was no indication of any Board succession planning.

Huse's fourth question related to training of board members and is examined in Chapter 6 of this thesis. The initial indication from questions 1-3 for reviewing boards would suggest that Police Boards in Scotland failed to provide answers to pass Huse's board profile review. This reflection, in part, posits an answer to research questions 1 and 2 and is further examined in Chapter 6.

### **5.4. Key Research Findings: An Analysis of Survey Data**

- The Police Board members' profile was not representative of the general Scottish public age and gender profile.
- Board members were, in general, relatively inexperienced as Councillors and Board members.
- There was little indication of any form of succession planning for Board members.
- After joining the Police Board nearly one third of Members indicated that they still had no experience of police work.
- Over half of Board members indicated that they spent less than two hours per week on Police Board business.

- The main qualities that members identified that they brought to the Police Board included knowledge of policing, the ability to question and being a Councillor.

## **Chapter 6**

### **Police Board Meetings**

#### **6.1. Introduction**

One of the main objectives of the research was to seek an understanding of Police Boards in Scotland and the governance of their police services. This chapter gives an insight into what the Police Boards did and an indication of differences between the eight Scottish Police Boards. With the consideration of the information discussed in Chapters 1 to 3, this chapter seeks to add to Chapter 5 and partly provide an answer to research questions 1 and 2 and identify who are the Police Boards and how the Police Boards in Scotland were structured and managed. The chapter commences by giving a review of Police Board meetings and attendance (6.2.-6.3) before discussing the findings (6.4.) and presenting the key research findings (6.5.). The chapter therefore also partly provides answers to research question 3 identifying Police Board members' and stakeholders' perceptions of their Police Board duties and effectiveness. The chapter is subsequently developed by in-depth interviews involving Police Board members' and stakeholders' perceptions of Police Board duties, reported in Chapters 7 to 10 of this thesis.

#### **6.2. Police Board Meetings in Scotland – A Pen Picture**

In an explanation of Board meetings this chapter first suggests what you would expect to see if you attended a Police Board meeting. The general pen picture of Police Boards in Scotland which follows was built from the researcher's review of Police Board minutes and visits to Police Boards.

Most Police Board meetings tended to be similar in appearance with few differences in the way that business at the meetings was dealt with. Some of the differences that might have been seen between Boards included the number of members in attendance,

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the presence of the senior fire officer at coterminous Boards and a difference in the police personnel and Board assistants present.

In general, those present at meetings would have included Board members, the Chief Constable, additional senior officers, Board assistants and, occasionally, a member of the press. There was the opportunity for members of the public to attend but this appeared to occur very infrequently. The typical Police Board meeting would generally be held in a meeting room in a Council building. For example, one of the customary residences of the Strathclyde Police Authority meeting was Glasgow City Council Chambers, pictured in Figure 6.1 below.

**Figure 6.1** Glasgow City Council Chambers



At the head of the Board table or at a main table was generally seated the Convenor and the Chief Constable. This position often included the secretary to the Board and Vice-Conveners. Situated in the meeting room around the head table would be the Board members, with additional senior police officers peripheral to them. Finally, on the outskirts of the room there would generally be space for visitors, press and members of the public.

The typical presentation of a Police Board meeting agenda is illustrated by Figure 6.2 below. The agenda was set by the Board and would generally follow a regular format with additional topics added as and when required.

**Figure 6.2 Typical Agenda of a Police Board in Scotland**

<p style="text-align: center;"><b>Police Board "X"</b> <b>Agenda</b> <i>Meeting of April 1<sup>st</sup> 2013</i></p> <ul style="list-style-type: none"><li>• Attending</li><li>• Apologies</li></ul> <ol style="list-style-type: none"><li>1. Correspondence</li><li>2. Minutes of previous meetings</li><li>3. Report on Performance</li><li>4. Report on Finance</li><li>5. Road Crash Statistics</li><li>6. Other items.</li><li>7. Presentation</li><li>8. A.O.C.B.</li><li>9. Exclusion of the public<ol style="list-style-type: none"><li>a. Police Complaints</li><li>b. Contracts considered/awarded</li></ol></li></ol>
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The above was not the routine format undertaken by all Boards, but an exemplar of the type of business conducted during average Board meetings. The meetings were, in general, run and controlled by the Convenor. The Chief Constable would, generally, make most presentations on behalf of the police. At the end of each item presented there would be the opportunity for Board members to ask questions regarding the topic and, where required, note the information or vote on the matter.



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The following overview of Board meetings, formed by the researcher through analysis of Police Board minutes, Board meetings and interviewees' comments gives an in-depth examination and understanding of what happened at the Police Board meetings in Scotland.

### **6.3. Overview of Analysis of Police Board Meetings**

The overview of Police Board minutes provided a good introduction to the work carried out by Police Boards and enabled a comparison between all eight Boards. This also gave an insight to the sub-committees each Board deemed appropriate to assist it in its duties and of the work conducted by Board members. This will be built on by the aforementioned additional research.

In the overview of the working functions of the Police Boards the researcher attended at least one meeting of each of the eight Scottish Police Boards and recorded his observations. To help confirm that these observations were an example of normal Police Board business the researcher subsequently compared the visit data with the minutes of Board meetings for all eight Police Boards. The methods used in the examination of the Board visits were outlined previously in Chapter 4. In general the findings of the minute analysis and the subsequent observations at Board meetings were comparable and suggested they were a reflection of each Police Board's business. In addition to the overview of meetings of Police Boards in Scotland, the researcher was also able to view live webcasts of meetings from the Metropolitan Police Authority England and the Toronto Police Board Canada for comparison.

Throughout the review of the meetings of all eight Police Boards, there was diversity between Boards in the number and type of matters considered. The review looked to specifically focus on the main key Board governance items common to all Boards. Some matters that were thought to be key to Board duties but were not discussed at Board meetings are also discussed by the researcher in this chapter.

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As such, the matters covered by this review include: members attending, number of others attending, minutes presented at the meeting, presentations to the Board, performance of the Force, finance and budget items, complaints, equality schemes, Independent Visitors Scheme, Community Partnerships, Single Outcome Agreements, Best Value, senior officer appointments, matters that were at the exclusion of the public and other notable items.

Having reviewed minutes and taken observations on Board meetings it was felt appropriate to also include the comments, from the Police Board members and stakeholders interviewed, which gave an insight into their own perceptions of Police Board meetings. This chapter, therefore, also looks at interviewees' comments on Board papers, Board meetings, how informed they were regarding policing, the member's confidence of expression at meetings and comments on the Convenor.

### 6.3.1. Attendance

An overview of the general attendance and items presented at the Board meetings during the period of the minute review is shown in Table 6.1 below. The source is from minutes for each Board meeting that were available to the public and the information is, therefore, not anonymised. Cotermious Boards also presented matters other than policing items. These items included, but were not restricted to, fire service and social work matters. These non-police items are not discussed further in this analysis.

**Table 6.1 Overview of Board Minutes between May 2007-December 2008**

Force	Number of meetings	Average members attending	Other regular attendees	Average Sub-committee minutes presented	Average Policing items presented	Meetings Excluding Public
Tayside	10	93%	Chief Constable DCC Treasurer Clerk	3-5	12	6

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Strathclyde	12	69%	Chief Constable DCC Dir. of Finance - Police Dir. Of Legal Services - Police Head of Procurement - Police Clerk & Assistant Clerk	8-10	17	7
Fife	9	91%	Chief Constable DCC Executive Dir. Fife Chief Fire Officer Assist. Chief Fire Officer Fife Partnership Manager Regulation Manager - Fife Accountants (Police & Fire) Finance & Resource - Fife Legal Services - Fife Head of Environmental Services	0-2	17	0
Dumfries & Galloway	12	89%	Chief Constable Chief Fire Officer Chief Executive D&G Group Manager D&G Corporate Support & Governance D&G Service Manger Committee-Services DG	0-2	15	3
Central Scotland	8	72%	Chief Constable DCC & or ACC Finance Manager- Police Clerk & Assistant Clerk Treasurer to Board	2-4	12	4
Grampian	14	76%	Chief Constable DCC & ACC Director of Corporate Services - Grampian Police Depute Director of Corporate Services - Grampian Police Senior Financial Accountant - Grampian Police Board Treasurer Clerk, &Depute Clerk	0-2	15	12
Northern	7	88%	Chief Constable DCC Force Director of Finance & Asset Management Force Finance Manager Force Estate Manager Force Deputy Director of Human Resources, Force Head of Administration Treasurer Clerk & Assistant Clerk.	2-3	22	2
Lothian & Borders	8	68%	Chief Constable Chief Executive Treasurer of Board Clerk	2-3	19	2

(Source: Police Board minutes)

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During the 18 month period of the review, the minutes obtained indicated a variety in the number of full Board meetings held by each Board ranging from seven to 14 Board meetings. Meetings also had a variance in the average number of items presented to members ranging from 12 to 22. Each Board, in general, regularly presented a similar agenda at each of its own meetings although the content and number of items varied. The only matters reported regularly by all Police Boards were items on finance and the Force's performance.

The number of members elected to the Police Boards ranged from 11 for Dumfries and Galloway Police Fire and Rescue Committee and Central Scotland Joint Police Board to 34 for Strathclyde Police Authority. Attendance at the meetings for members also varied with the average attendance of members at Board meetings varying between Boards. The average Board attendance ranged from around 93% to 68%. On one occasion the members' attendance at one of the Board's meeting was around 44%. Only four Boards managed any meetings with 100% attendance of members during the period under review.

Interviewees were asked if they felt that the number of members on their Board was about right, too many or too few. Most of those interviewed were of the opinion that the number of members on their Police Board was about right. However, some did add the caveat that the Board should have enough members who were keen, interested and took an active part. The emphasis from Board members was resoundingly in favour of quality not quantity and there was an indication that it was difficult to ascertain the best number of Board members. On a few occasions interviewees indicated that they thought their Board might not have the optimal number of members. Some members of smaller Boards felt that perhaps they could do with a few more members to give a little more resilience. As one Board member commented:

*“If you are down to 11 and if four members for various reasons can't attend all of a sudden you are sitting with a Police Authority with seven members and I felt that could leave us vulnerable,”*

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It was not only Board members who attended the Police Board meetings. Although the minutes of some of the Boards did not indicate additional attendees the minutes examined suggested the Chief Constable and the Clerk or their substitutes were regular and apparently essential attendants at the meetings. In addition, there was a range of other attendees depending on the Board. These often included, but were not limited to, the Deputy Chief Constable, the Directors of Finance and Resources, the Director of Legal Services, the Head of Procurement, Treasurer to the Board and the Assistant to the Clerk. Both of the Unitary Authorities meetings were not restricted to policing matters and, in addition to the above examples; both involved other attendees who included the Chief Fire Officer as well as senior Council officers such as the Chief Executive, Group Manager Corporate Support and Governance, and the Service Manger Committee Services.

There was little indication, in the minutes, of members of the public attending Board meetings. This was backed up by the researcher's observations at Board meetings when there was, perhaps, only one occasion that a member of the public other than a member of the press, a Local Authority employee, emergency service employee or the researcher attended. On the other hand, there appeared to be several public visitors in both the Metropolitan Police and Toronto Police Board meetings that were viewed on-line.

There was reference to items on the minutes reviewed at the exclusion of the public. However, the exclusion of the public from Scottish Police Boards did not seem to follow any general theme. Some Boards' minutes showed the public excluded for matters that other Boards did not exclude the public.

To assist the Board in the provision of information or the understanding of police issues, Boards occasionally included presentations from both police and Council sources as well as external bodies such as HMICS. Some Boards received more presentations than others over the period under review, with the number of presentations to Board members ranging from zero to eight.

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It was also observed by the researcher on a limited number of occasions at meetings the Secretary/Clerk of a Board stood in to direct some of the Boards business although deferring to Board members as appropriate. In general, the Convenor from all Boards was able to obtain assistance from a Clerk/Secretary or similar during the Board meeting. In comparison, however, there appeared to be a marked assistance structure at the Metropolitan and Toronto meetings from support members who were present to give advice or assistance to all Board members where required.

A few Police Board members interviewed were happy to give their thoughts on their own Convenor and in general Conveners were thought to do a demanding job well. Responses were limited but responses which indicated areas for improvement for their Conveners included:

- Could have an improved ability at controlling debate.
- Moving on issues too quickly.
- Leaning towards their own political party colleagues.
- Lack of political experience.
- Confusing use of police acronyms.
- Tension between Convenor and senior police officers.

Most respondents did not give an opinion of their Convenor and where an adverse response was given it was invariably from a single member of a Police Board with little in the way of supporting evidence. There was, however, one response that was replicated by a few Board members on the same Board. This related to their Board Convenor's previous experience and involvement in policing which was felt could on occasion have led to tensions with senior police officers.

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During the field visits to the Police Board meetings the researcher noted that they were well controlled by the Conveners who ensured that the agenda was adhered to, and matters were progressed as required. The behaviour and appearance of members was routinely appropriate for the occasion, although the composition of members who attended Police Boards appeared generally to be male and over 50 years of age, which was confirmed by the Police Board profile survey. In contrast the webcast of the Metropolitan Police Authority meeting showed there were several apparent ‘younger’ representatives. In most cases during the researchers visits, Board meetings lasted around two hours although one meeting lasted three hours and on a couple of occasions Boards dealt with business in around one hour.

Interviewees were asked if they thought that Board meetings allowed enough opportunity for discussion. Respondents were varied in their thoughts on the length of Police Board meetings. Some Board members were happy that the time spent at their Board meeting was sufficient to effectively conduct the Police Board business. Conversely, many Board members reported that their free time was sparse and, as such, some members suggested that meetings should have lasted no more than two hours, which it was submitted would have been assisted by appropriate brevity on questions controlled by the Convenor. On the other hand, other Board members who had Board meetings extending to three hours suggested that there are times when this was not long enough and in their opinion the meeting could last even longer to deal properly with the Board duties.

Of course it is not just the pressure of work that can add to the constraints of time and perhaps some members themselves unwittingly drained the time set aside for the Board proceedings as suggested by the following Board member’s response:

*“Well most members are under time constraints but there are some members who are quite loquacious, who ...lengthen Board meetings without actually providing any additional information...”*

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When considering the time spent at Police Board meetings a Board member suggested that after having looked at previous meetings there was something to advocate that the meeting should last between two and eight hours. However, there is a balance to be brought over the use of Board members' time. Is the time spent the best value for the members time and expedient for Police Board business? On the other hand, a senior police officer suggested that through the structure of their sub-committees and Board there was sufficient time for their Police Board meetings to ensure proper accountability and scrutiny; however, perhaps this time was not made use of effectively. Examples of interviewees' thoughts on Board meeting times are included in case study 6.1 below.

### Case study 6.1

#### Board Meetings Timing

*"The meetings tend to go on for 3 hours and there's always a gallop towards the end of the agenda as people think of their transport arrangements to\*\*\*\*\* (omitted for anonymity)and also their feeding arrangements. It might be better to meet more frequently and have fewer items on the agenda but I'm not sure how popular that would be with the members who have to travel a distance, but the agenda is normally organised so important items are taken early."* (Police Board member)

*"I don't attempt to as Convenor shut down the discussion and I try to encourage it to go on but I am conscious sometimes that people aren't speaking up because they feel the meeting has gone on for quite a while."* (Police Board member)

*"I think we could spend more time but we need to balance that aspiration against what is achievable"* (Police Board member)

*"....yes it's long enough for them to ask questions. Do they always ask lots of probing questions on every single thing, no they don't, but I don't think that's a time constraint"* (senior police officer)

*"I think our meeting are too short I think that the conversations and the challenges are often cut short. .... Police Board meetings tend to only last about 2½ hours and while that's great because it means it's an efficient use of time for everyone, it does sometimes lead to a lack of willingness on the part of members to really engage with some of the issues"* (Police Board member)

Interviewees were also happy to add further information they felt relevant to their attendance at Board meetings. It was mentioned by a Board member that perhaps the Police Board meetings were too formal in that their standing orders allowed a speaker



only one question per item. As a result the interviewee felt that this allowed questions but stifled dialogue and debate.

When a Board meeting was constrained by a time limit some interviewees reported that they were of the impression that items at the end of the agenda were often rushed to complete the agenda in time. It was also felt that when meetings got to the end of the agenda people were loath to ask questions as they wanted to get home. The Conveners who were interviewed were, in general, also aware of an acceleration of the topics at the end of the agenda. However, this was countered by the caveat from Conveners, that if it was an important issue it would still be given some attention by the Board members even though, to outsiders, it would seem that they were not getting much attention.

Overall, there appeared to be no clear consensus from interviewees as to whether there was enough time spent at Board meetings. Differing Boards often had individual times allotted to Police Board meetings. The length of time allotted to Board meetings was generally around two hours although when Boards exceeded this time frame it did not necessarily mean that Board members were satisfied that the time was sufficient. Although some Board members seemed to advocate a full discussion of all Board matters at the full Board, others were of the opinion that a full discussion at sub-committee for sign off by the full Board was sufficient. In general, senior police officers were satisfied that the Board meetings allowed sufficient opportunity for proper scrutiny.

### **6.3.2. Board Business**

The performance of the police was one of the few items that all the Police Boards regularly presented to Board members. The minutes indicated that at meetings of the Boards, reports were generally presented by the Chief Constable on operational updates including crime and offence statistics. The minutes indicated that this report could have involved questions and discussion from some members of the Board regarding its contents. The main indication from all Board minutes was that these

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reports were generally noted by the Board. The annual report was also a presentation given to most of the Boards by the Chief Constable. In general the indication from the Board minutes was that this item was noted by the Board. There was some indication, however, from the minutes that there can be some discussion regarding some reports with requests for further information by Board members before noting. However, in the reporting of police performance the Board members seem to rely on the Force reporting on its own performance.

Other policing performance items reported in most of the Boards minutes included the Scottish Police Performance Framework, HMICS thematic inspection, the Independent Review of Policing and the Force's strategic plans. There was also an indication in three of the Boards' minutes that there was a consideration of the Force's self-assessment process. In general there was an indication that where these self-assessment items were presented they were discussed as well as noted.

Finance and revenue were also matters that all Boards regularly presented to members. As was mentioned above, for performance matters the minutes indicated that the Boards were generally reliant on the Chief Constable for their information. The Chief Constable, and occasionally for some Boards the Treasurer, made regular reports to their Board with respect to financial, revenue and budget matters. Much of the finance information was presented in the form of sub-committee minutes. In general, most of the items were noted by members and, where appropriate, the Boards were willing to instruct the Treasurer and/or the Chief Constable to provide further details. There was little indication from the full Board minutes to suggest that these sub-committee minutes were discussed in any great depth other than to note the contents.

In a few Forces there were also regular reports from the Chief Constable or the Clerk giving updates on contracts awarded since the last meeting. In general, the Board agreed to note the contracts awarded by the Chief Constable. Although there was an indication from the minutes that some of these matters were discussed by some of the

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Boards as well as noting. Overall, the majority of full Board minutes gave little indication of discussion of finance and revenue matters.

Other finance and revenue items to appear in more than one Board's minutes included performance related payments to senior officers, police housing stock and property disposals, sponsorship relationships, external audit plans and shortfall on pensions. These items were mainly reported by the Chief Constable and/or Treasurer with an indication that the items were discussed by members.

In approximately half of the Boards the Chief Constable regularly provided statistical information relating to the investigation and disposal of complaints against the police as well as some Boards providing a quantitative analysis of the number and nature of complaints received. In the other Boards there was no indication in the minutes examined of matters relating to police complaints being brought other than those presented in Complaints sub-committee minutes. Complaints sub-committee reports were, at some time during the review, presented to all Boards. Where presented to the Board there was little indication in the minutes that they were discussed by the full Board.

Equality schemes and the Independent Custody Visitor scheme were other regular items to be found on some of the Police Board minutes, although some Boards did not carry some of these items at all. The equality schemes, which were reported in the minutes of five of the eight Boards, included race, disability and gender matters. Though, when they were reported to the Boards, there was little indication that the items were discussed in any detail, other than noted. Independent Custody Visitor Scheme items were reported on during the review period by all eight Boards. When reported by a Board the item was generally presented to the Board by the Clerk/Secretary of the Board and noted by members. The minutes indicated that there was some discussion by members regarding the scheme and decisions agreed. It appears that most of the discussion during the period of review related to election of the scheme personnel. There was little mention regarding Community Partnerships or Single Outcome Agreements in the minutes from most of the Police Boards.

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Nonetheless, some Boards had regular items covering community issues and appeared to be involved in discussion of community matters.

Although police services have to respond to Best Value requirements set by the Local Government (Scotland) Act 2003, Best Value was another item not regularly discussed by the full Boards. Some of the Boards have some form of Best Value sub-committees, the minutes of which were reported to the full Board. There was generally no indication if these minutes were discussed other than being noted. However, one Board had several reports on Best Value submitted from the Chief Constable during the period under review with an indication from the minutes that these reports were discussed and noted by the full Board when presented. Minutes of one Board also indicated that it requested further information on occasions, and reviewed progress and options for additions to the programme. The minutes also showed that the same Board received an update at the year-end on outcomes and efficiency savings identified during the financial year.

Items relating to senior officer appointments were reported in the minutes of some of the full Board meetings along with the minutes of some form of Appointments sub-committee. In general there was little indication that these items and the sub-committee minutes were discussed to any great extent by any of the Boards. One Board had several items discussed regarding chief officer appointments and also voiced its concerns to the Scottish Government regarding a chief officer appointment matter. However, in general there was no indication that the full Boards had any involvement in selection and it appeared that the sub-committee had been deferred the power of appointment with approval only by the full Board. Where there were no items on senior police officer appointment, it is possible that the Forces did not have any senior officer appointments and, therefore, negate the need for such items or sub-committees.

Other matters reported by a few Boards included updates on visits to other Police Boards, information regarding the transfer of ICT to SPSA, internal Board matters including elections and resignations of Board members, the Clerk and Treasurer, and

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allocation of members to sub-committees, as well as remuneration for the Convenor and Vice-Convenor. Matters that were reported by individual Boards regularly included attendance management, recruitment, special constabulary, probationer/post probationer training, staff development, health and safety, personnel, health and wellbeing, letters of appreciation and matters of media coverage, the appointment of lay diversity members and on a number of officers deployed overseas. In addition to police matters discussed there was also input to three of the Boards, including both coterminous Boards, regarding a number of non-policing items. These included input from the Fire Service, Social Work, Environmental Services and Housing.

Some Board matters could be deemed by the Board to be unsuitable to be presented to a public audience. Members of the press and public could be excluded prior to the presentation of these items. During the period under review of Board minutes one of the Boards did not have any matters at the exclusion of the public. Conversely, the minutes indicated another Board had most of its meetings (12 of 14) excluding the public. This resulted in around 40 items presented after the exclusion of the public from that Board, although there may not necessarily have been any members of the public present. The matters from which the public were excluded varied between Boards and some items excluded by one Board were not necessarily excluded by another. Matters treated as excluded to members of the public were varied and diverse and included deployment of officers to G8, provision of occupational health care, a vehicle recovery scheme, report on chief officer appointments, items regarding maintenance of police property, the 30+ police service extension scheme, a presentation by the SPSA, police pensions, custody visiting scheme information, complaints sub-committee minutes, shared emergency services headquarters, matters regarding health, Chief officer performance development review, tenders, contracts, procurements, leases, ICT, custody facilities, armed response capability, anti-social behaviour legislation, Force review, removal allowance and police housing. The exclusion of the public was confirmed by the researcher's Board visits.

**6.3.3. Board Papers**

During the field visits to the Police Board meetings the researcher found that although formal they were friendly and appeared to welcome visitors. Papers for meetings were not always issued at meetings and not all Police Boards had internet access to obtain information prior to the meeting. Where papers were available on the internet prior to the meeting they were, in general at best, only available one week prior to the meetings. It is appreciated that this may be required to ensure all the information was up to date or appropriate but often the papers exceeded 200 pages. Did the busy members, therefore, have sufficient time to properly digest all the information supplied for the meetings?

Interviewees were asked if they thought the Board members received their Board papers in sufficient time for overview and informed decision. Conveners and Vice-Conveners mainly reported receiving papers two to three weeks before Board meetings, whilst other members tended to receive Board papers a week before the meeting. Overall, approximately 60% of interviewees were happy with the time they received Board papers before meetings. The other 40% were of the opinion that the Board papers were not delivered to them early enough or suggested that it could be better. Responses from members of all Boards were similar although it was noted that there was a larger proportion of those dissatisfied with the time they received the papers from the larger Forces as compared to those from the smaller Forces.

Some of those who thought that they did not always receive the Board papers in sufficient time put the fault down to the police. They also commented that they appreciated that sometimes in policing things developed quickly and it reflected the availability of the information. It also seemed that members who reported having Board papers delivered by electronic means were less likely to be dissatisfied with delivery times than those who received their papers by post or internal mail. However, some members did suggest that other members of their Board may have had difficulties with this electronic delivery through their lack of computing or ICT knowledge. Some Board members commented that if they did not have enough

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information they would simply pick up the phone and ask the relevant police department for the information they required.

The suggestion of late Board papers was reflected by a response from a couple of senior Force executives who admitted that quite often delays in papers can be down to them (refers to the relevant police Force) when it is information they themselves are waiting for. There was a question raised by another senior police executive as to how much information should be required by the Board. They suggested it was procedure for the Board to be passed all policy documents, many of which extended to 50 pages or more, including those which would not have had an impact on policing.

*“I’m certainly not sure that the volume, there’s a large volume of papers, there’s the ability for members to actually get the papers on time, digest the amount of information and then be able to come to a meeting and ask the right questions and perhaps challenge the ability to do that effectively.”* (senior police executive)

A similar response was also given by some Police Board members who indicated that sometimes the volume of papers could be adverse to their ability to properly overview them.

On many occasions Board members also expanded their response to provide their thoughts on the content and presentation of the reports to the Board and, in particular, question the use of police terminology. There was also the feeling given by some Board members that the police might write reports in such a manner to ensure agreement by the Board.

Although not completely satisfied with Board papers, some members found that the quality of reports had improved over the term of their Board membership. Improvements were generally identified as coming from Board members’ complaints or requests to the relevant police service. In addition improvements to some Board papers were also attributed to HMICS input. Not all complaints about Police Board papers were vented at the content of the papers or their delivery. A small number of interviewees also included their fellow Board members in their responses to their

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thoughts on the Police Board papers. These comments were generally in regards to excessive overview at Board meetings by some members or lack of overview by others.

The information provided to Boards was not necessarily all the information that could be supplied and some interviewees suggested that there could be additional information provided. As a senior police officer in case study 6.2, suggested there could be more consultation between the Board and the police to agree what should be included in the Board papers and improve scrutiny. It was suggested that the Board could actually commission papers from the police to better hold them to account.

The overall impression obtained from the responses received from interviewees regarding Board papers was that there was no consensus as to whether members received their Board meeting papers in time. When the papers were received there was no accord as to whether the information supplied was enough or too much, with varying views from respondents, both between and within Boards. The main consensus from Board members was that in general they were so busy with other duties that the free time available to read and properly scrutinise Board papers was limited. A few Board members also suggested some of their colleagues simply did not read the papers. Examples of quotes from interviewees regarding the content of Board papers are included in case study 6.2.



## Case study 6.2

### Board Papers

*“Police will couch their papers in police language as I often talk about speaking in abbreviations it’s one of the failures”* (Police Board member)

*“I think that sometimes they are written in a very particular style which makes them difficult to understand exactly what’s going on. There certainly is evidence of a lot of cut, copying and pasting going on in the Police Board papers. They can be quite repetitive and they can be overly long I think.”* (Police Board member)

*“reports to the Board are written to secure the Boards compliance rather than to set out the facts of the situation and to ask the Board to make a decision.”* (Police Board member)

*“I would like to see more dialogue between us and the Board about what papers they should be getting. Much more of a commissioning process, where they were actually again, being much more informed about policing. Being able to say we would like a paper on this, we would like a paper on that. So in actuality setting out a commissioning process whereby for the next six months you have very clear idea of the level of scrutiny the Board were going to have in a particular area. So I think the paper could give us of a sufficient quality that it was worth doing. So it’s that knowing the business, planning ahead, agreeing in very clear terms what’s in and what’s out of scope and then provides a paper that ticks all the boxes so the Board can then say well ok we have held you to account on that particular area because that’s a very thorough paper etc...”* (senior police officer)

*“I question in some instances the value of retaining that at the Authority level and not delegating that down to ourselves to take forward as the HR professionals if you like and take papers forward for noting unless it’s going to have a fundamental impact on the organisational structure or operational policing.”* (senior police executive)

*“One of the things, I probably shouldn’t say, that annoys me is many Councillors don’t read their papers”* (Police Board member)

#### 6.3.4. Sub-committees

Each Police Board decided on the number of sub-committees that it required to assist it in its duties. As a result there was a variance in the number of sub-committee minutes and reports to the Boards. Sub-committees were generally formed at the start of a Police Board term but could also be put together when required for a specific need. The number of sub-committees at a Board reflected on the number of minutes presented to each Board ranging from zero to around 10. One of the Board meetings reviewed in the time under examination had 12 sub-committee minutes presented to

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the Board at a Board meeting, several of which were from the same sub-committees. There was little indication from any of the full Board minutes that there was much discussion on the contents of these sub-committee minutes other than their approval and noting. The sub-committees which presented minutes to each Police Board during the overview are indicated below in Table 6.2 for information.

**Table 6.2 Sub-committee Minutes presented at Board Meetings**

<b>Police Board</b>	<b>Sub-committees (number of minutes presented during review)</b>
Tayside Police Board	Personnel (8) Complaints (8) Audit (8) Finance (4) Appointments (8)
Strathclyde Police Board/Authority	Convenors' report (31) Complaints (6) Resources and Best Value (14) Ill Health Retirements (11) Audit (13) Personnel (12) Appointment of Senior Officers (7) Appeals (2) Working Group on ICT Transfer (1) Budget (8)
Northern Police Board	Audit (3) Finance (3) Complaints (4) Revenue (1) Finance (3)
Lothian and Borders Police Board	Remuneration (2) Complaints (11) Police Staff Appeals (2) Audit (3) Appointments (2)
Grampian Police Board	Budget (2) Stewardship (5) Complaints (5) Appointments (1)
Fife Police Fire and Safety Committee	Police Complaints and Discipline (5) Community Safety Strategy Group (3)
Central Police Board	Complaints (4) Appeals (1) Selection (9) Physical Resources (1) Best Value (3)
Dumfries and Galloway Police and Fire and Rescue Committee	Selection of Chief Police and Fire Officers (2) Complaints Against the Police (3) Complaints Against Senior officers (1)

(Source: Police Board minutes)

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As can be seen in Table 6.2 there was a variety in the type and number of sub-committees which each Police Board engaged. There was a large difference in the total of each Board's presentation of sub-committee minutes during the time of the review. This ranged from six sub-committee minutes in Dumfries and Galloway to over 100 in Strathclyde. Although different Boards may have different names for a sub-committee, the only sub-committee type that was used by all Police Boards related to complaints. This however, still does not paint a full picture of the sub-committees as there was also a variety of the number of sub-committee presentations both within and between Boards. Strathclyde was the only Board to have shown a Convenors' report minutes. Yet, this report in Strathclyde presented more times than any other sub-committee throughout all Police Boards in Scotland, reporting 31 times to the Board which included five presentations at a single meeting. On the other hand, six sub-committees from all Police Boards presented minutes only once.

It was interesting to note that some respondents felt that the main Board meeting was not the best place for many items to be properly discussed and that some items were best served by full discussion at sub-committee level and brought on to the full Board for agreement. On the other hand, other Board members disagreed with this and expressed the opinion that all Board business should be discussed and agreed at full Board level. Examples of the interviewees' responses regarding this are illustrated in case study 6.3.

**Case study 6.3**

**Board Meetings and Sub-Committee Information**

*“I don’t actually think that the Board is a terribly good place for discussing the Boards finances, I think it is much better done on the best value or in the budget working group”* (Police Board member)

*“so what was tending to happen was the papers were being scrutinised at pre-agenda, questions were being asked, you can’t put that forward, you can’t put that forward and by the time it came to the Board there was little to scrutinise. I mean that’s wrong, it’s good from the point of view that everything is sorted out but then the rest of the Board Members ain’t seeing the scrutiny that’s going on.”* (Police Board member)

*“Items come for noting and I think we might be brought in sooner to the decision making process, even if the chair and vice-chair had privy to this before formulation of a decision.”* (Police Board member)

**6.3.5. Informed regarding Policing**

Being in attendance at Board meetings and having a multitude of papers presented to Police Board members did not necessarily mean that Board members felt sufficiently equipped to understand policing issues. To extract Board members’ thoughts on their knowledge of policing issues interviewees were asked how well informed they felt about policing in their police Force area.

In general most Board members interviewed felt that the volume of papers they received meant that they were well informed and if they were otherwise in need of information it could be provided by a phone call to the relevant policing area. A caveat to this satisfaction was voiced by one member who had concerns over the source of the information provided at Board meetings which generally came from the police:

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*“we are pretty dependant on what the police and other officers put in front of us, I think that’s the biggest weakness that we are as I said before led rather than being leading.”* (Police Board member)

Board members, in general, reported that their relationship with their local police, through being a Councillor, meant they had a good understanding of local issues although one member reported that local issues were not always reported to them and referred to a specific high profile event in their own Council area, close to their home, where the first they knew of the matter was the television coverage. A small number of Board members suggested that they could be better informed as a Police Board member and felt that they were, perhaps, more aware of local policing issues through their responsibilities as a Councillor rather than their strategic duties as a Police Board member.

A lack of policing knowledge or understanding might not simply be a result of insufficient information regarding on-going policing issues but, perhaps, a more fundamental lack of Board training or policing knowledge. Of course, the individual’s knowledge of policing issues could also reflect on their own interest in policing issues, the time they devoted to Police Board duties and the number of Police Board sub-committees on which they served. Conveners and Vice-Conveners in general reported that they were much better informed than ordinary Board members.

Police Board members were also asked to comment on the duty between responsibility for the wider Force area and a more parochial outlook for their own Local Council area. In general, the impression from the interviewees was that Police Board members had a very good understanding of the policing issues at a local level. However, the amount of involvement an individual had on Police Board issues appeared to reflect on the policing knowledge of the Board member at a wider Force level. This was, perhaps, more evident in responses from members of larger Police Boards who appeared more aware of the difference between Local Council and Force, than coterminous Boards. There also appeared to be a lack of knowledge by Board

members in some areas around the strategic direction of their Force, this is discussed in more depth in Chapter 8 of this thesis.

Examples of responses from interviewees regarding their thoughts on Board members being informed on policing for their Force area are provided in case study 6.4.

### Case study 6.4

#### Informed regarding Policing

*“While I feel reasonably well informed in that it’s not through the Police Board that I feel well informed. I feel well informed in my role as a local Councillor and as a local member. But as a Police Board member looking at it from a strategic level it’s not quite as obvious.”* (Police Board member)

*“I do feel that things could be improved, that perhaps it is just because of my total lack of knowledge prior to taking on board this role...but I feel that I could be better informed.....something perhaps more like an idiots guide would be useful for somebody like me. I mean I don’t know much about interfaces, chief inspector, superintendents and how they, see their role and what their role is. I feel that is something that I....could be..., should be better informed on.”* (Police Board member)

*“As an ordinary member of the Police Board I am not well informed about what’s going on in the Force area. Whereas when I was Convenor I was very well informed but as a member of the Police Board you tend not to find out an awful lot about what’s going on in other parts of ..... There’s a huge gulf in knowledge between the Convenor and Vice-Convenors and those who are not which is something that I would like to see addressed.”* (Police Board member)

*“In a general sense I think it’s very well informed because they take an active interest, if you were to personalise it down to individual members then clearly it’s different. I’ve got \*\*\*\* (number omitted for anonymity) members of the Board..... and there’s probably I would say about half of them who would be very involved and very well informed because they are kind of active members, they’ll sit on sub-committees..... we’ve got and ...the ones who are involved in that I would say are very well informed, the Convenor and so on, and then you’ve probably got 4 or 5 who are reasonably well informed who come along to the meetings and take an active part and then there’s probably 2 or 3 outlier’s who either come or send a substitute or whatever who I wouldn’t be as confident were as well informed and as active.”* (senior police officer)

*“Clearly they are all Councillors up here which from a democratic perspective one might argue actually strengthens that local accountability, however, there is a tendency perhaps for Councillors to be very interested in local policing issues and perhaps not have the same interest or understanding in some of the more corporate or strategic elements of policing.”* (senior police officer)

*“I don’t think they are particularly well informed. I think they are reasonably well informed around the governance ...as an organisation in terms of the typical things round governance like risk an audit and finance and HR issues but you know that’s going to be the same in any big organisation of ....people. When it actually comes the quality of service issues, service delivery, accountability, performance on the operational stuff I don’t think they are well informed at all.”* (senior police officer)

**6.3.6. Confidence of Expression at Meetings**

During the review and observation of Police Board meetings the researcher was aware that not all Board members were participating in the discussion of Board matters at the meetings. During interviews with the Police Board members, a minority also reported that they were reticent to ask questions due to lack of knowledge on Board issues especially during the early duration of the Board. One Board member was open enough to admit that they were in awe of the Chief Constable and found it difficult to ask questions.

Although there was a general consensus that Board members were effectively able to engage in Police Board meetings there was an awareness that not everyone did, as a senior police officer observed:

*“there are certainly some members who may well do good work behind the scenes but there are some members who come to Police Board meetings and don’t verbally engage.”*

A senior officer from a different police service also noted that:

*“There are individuals who are fairly put off with arguing.”*

On this occasion the senior police officer also added that these individuals on the Board were in the minority. It was also suggested that in a larger Police Board, members may have found it easier to hide and not get involved than they would have on a smaller Board. However, the above comments from senior police officers are from both the largest and smallest Police Boards.

It was not only the Chief Constable that might have prevented Board members asking questions. One Board member suggested that other Board members’ previous policing experience might also deter Board members from fully participating:

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*“We have an advantage as a Police Board as I said with an (ex-police officer) who knows the ropes. Sometimes it’s not helpful there are people who sit and maybe want to ask a question and frightened they’re going to ask a question that makes them look stupid in the face of this particular individual. (the ex-police officer ) wouldn’t blink an eyelid at someone asking a stupid question but there’s always that fear.”*

### **6.3.7. Board Support Personnel**

There was a great difference in the number of support staff attached to each Police Board, ranging from one person, who also has responsibility for other Council areas as well as the Police Board, to a team of dedicated support personnel. However, a clear comparison of available support personnel was not easy to compile. Many of the Boards as well as a dedicated full or even part-time assistant would also outsource much of their administrative Board work, such as typing, to a Local Council department. In addition to this many of the Board members were content with much of their Board support coming direct from the police service in the form of specialist information such as crime statistics and finance.

To obtain a clearer view of what the thoughts were on additional support members the researcher asked Board members, senior police officers and police executives what their perceptions were on additional Board support personnel. Responses from interviewees included not only their own Board, but also what they thought other Boards should have in the way of support personnel.

Although the majority of senior police officers indicated confidence in Board members’ abilities there was a suggestion from most that they believed that their Board would have functioned more effectively with additional support personnel. There was a suggestion from some interviewees that there could have been more resources for their Board in terms of support personnel to ensure that the Board had the right knowledge and technical ability to govern professionally. This was highlighted by the responses from two senior police officers from different police services, shown in case study 6.5.



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There was a variety of responses from Police Board members both between and within individual Police Boards. Although there were many Board members who favoured increased support staff, there were also a few Police Board members who felt that the support personnel for their Board was sufficient or had no adverse comments to offer. On the other hand, there were also a few Board members who were of the opinion that there was already too much assistance for the Board.

There was a difference in the nature of the responses with some interviewees treating their responses as a wish list. On the other hand some interviewees chose to comment, instead, with regards to austerity measures. An example of the variance in thoughts is given through the response of interviewees shown in case study 6.5. This includes a Board member who felt there were too many support staff, naming in particular a press officer, although this may have reflected the Board member's lack of understanding as to what the support staff actually did. This was contradicted by a senior member of another Board who was aware of the financial constraints of employing more support staff but stated that "*if money was no object*" listed a press officer as one of the additions they would like to see to enable better community engagement and "*get more stories about the Board out there*".

There were a significant number of Board members from most Police Boards who were of the opinion that they could have done with more support assistance to improve their ability to do their Police Board duties. One Board member went as far as to comment that they felt the lack of support assistance was not exclusive to their Police Board duties but also included all their Council responsibilities. Responses from interviewees that indicated they felt there should have been more Police Board assistance included a response from a senior executive. The interviewee who was solely responsible for all administration work of their respective committee highlighted what they thought was the ultimate difficulty with the lack of resources.

*"there is only me trying to keep up, so the issue for me is yes it would be ideal for me to have a greater resources, in other words when I go on holiday nobody does the work, or if the bus comes and gets me ... who does it?"* (senior executive)

**Case study 6.5**

**Board Support Personnel**

*“I think there is a place if the Board was more effectively resourced for the Board to have its own facility and to take issues that may be thematic issues or maybe issues of national concern or it may be specific local issues that the Board want to probe further into and they don't have that capacity just simply because of the resourcing, so I think there's more that can be done. It's probably more that the Local Authorities can do in terms of support for the Board. I think the Local Authorities could do more in briefing of their members prior to and after Board meetings, ensuring there is that continuous link.”* (senior police officer)

*“I do think there needs to be some. I, we, the country, do have an expectation of Police Boards that they are going to hold us to account and if they are going to be made up of only elected members there needs to be some mechanism in place either by way of staff to support it at arm's length from the police service to bring the right technical knowledge and professionalism to ensure that the Board is properly briefed.....I don't think they have the expertise to actually ask the right questions. I don't mean the Board, I'm talking about officials you know in terms of preparing Board members and I don't doubt the quality of our Councillors”* (senior police officer)

*“I think the amount of money that's being spent on the Police Authority is ridiculous. I don't know what people in the Authority do, I don't know why the Board has to have a press officer, I mean why should the Board have a press officer? I'm appalled actually at the growth of an empire along there and I can't really see any justification for it in the current financial climate.”* (Police Board member)

*“I think certainly there should be more of them. They always seem really busy, really rushed and I think that's part of the reason why the agendas come out late, so there certainly should be more of them”.* (Police Board member)

*“In terms of support staff, I said before that you wouldn't get anywhere else in the public sector where you would just expect elected members to do it all for themselves let alone when they are dealing with the police. It shouldn't take someone who is a Councillor to actually say that they should be screaming out about that in Edinburgh (referring to the Scottish Government). They should be saying these guys need people who know what they're talking about supporting them”* (Police Board member)

*“there is a lack of support, independent support – not the police or accountable to the Chief Executive as such so it would be good if we had people we could say to prepare a paper or proposal and that come back to us that is an area we would like to look at.....”* (Police Board member)

In general, senior police officers were of the opinion that their Boards would benefit from a larger support staff. The main reasons given were to ensure that the Board members were better informed of all issues relating to Board duties and to enable them to properly hold the Force to account. Case study 6.5, above, shows the opinion of Board members was varied with members both within and between Forces having differing opinions on the sufficiency of support personnel assistance for their Board. Where Board members suggested that they could do with more support staff,

frequently suggested additional posts included that of a researcher for the Police Board and a full time finance officer.

### **6.3.8. Training for Board Members**

As outlined in Chapters 1 to 3 of this thesis, in the overview of governance both within and external to policing, an aspect to receive attention and often critique was the quality and availability of training and, in particular, induction training. It was, therefore, deemed important to ask Board members what induction training they had for their duties as a Police Board member and whether they felt this training was sufficient.

There was an indication from some interviewees that training was required for Board members. One senior police officer commented that they felt induction training was essential to ensure proper accountability:

*“they do a four-year term and then there’s a turnover of people so I personally work quite hard at briefing an incoming Board and explaining because as a citizen and as a (Rank omitted to assist anonymity) it’s in my interest that the Board does their job well so I’m not trying to hide anything from them and you know the fact that they hold us to account means that we are sharper on our decision-making, we don’t make stupid decisions because we know that we are going to answer for them.”*

Another senior police officer also replied:

*“I do think there is something about looking at the skills of and the knowledge base of those who sit on the Board to make sure that they actually have the basics in place to perform their role. ....I think there’s an absence of that kind of rigour in terms of selection, skills, training and the continuous development in the role to make sure that people are being kept up to speed.”*

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A few interviewees identified they had attended induction training in Glasgow<sup>80</sup> or locally at the start of their term as a Councillor. Other training identified included specific training related to individual duties such as senior officer recruitment or informal presentations from people or organisations at Board meetings. Some members also felt that their skills and training learned as a Councillor were mostly the same as those required for Police Board duties and, hence, felt that they had sufficient skills to undertake Police Board duties through their ‘*other*’ experiences:

*“I suppose training is the wrong word, it’s probably more about awareness raising and understanding of the organisations.”* (Police Board member)

Some Board members reported that they had little or no training for their duties as a Police Board member. This is highlighted by the following snap-shot of responses, case study 6.6, when asked what induction training the Board member had for their Police Board duties.

### Case study 6.6

#### Induction Training for Board Members

*“Not a lot”* (Police Board member)

*“Induction training - absolutely nil. ....they just expect folk to wing it basically and get in there and roll up your sleeves and so ..... no, there’s not much induction at all”* (Police Board member)

*“Not nearly enough,”* (Police Board member)

*“I am absolutely certain none whatsoever”* (Police Board member)

*“Very little, I think we did have one session where we were made aware of our responsibilities as members of a Police Board”* (Police Board member)

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<sup>80</sup> Glasgow 1997 arranged by Mr D. Higgins, Secretary, Scottish Police Authorities Conveners Forum.

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Training for their role was not always seen as essential by all Police Board members for themselves, although perhaps was suitable for their colleagues:

*“I don’t think I really needed training but I think some of my colleagues unquestionably could do.”* (Police Board member)

In general, there were no reasons given for not having received any induction training. A few Board members who became Police Board members later in their Council term felt that this may have been the reason that they had not received any induction training. It was also noted that those reporting little or no training were not restricted to particular Police Boards but were found in most Boards. Several Board members who had attended training sessions also reported that there were often absentees from such organised training sessions. As one board member bluntly put it:

*“Sadly very few Councillors could be arsed to go to them.”*

Some Police Board members were completely satisfied with the training they had received. Nonetheless, in general it was found that most Board members were of the opinion that there could have been more training with regards to Police Board duties. The main areas identified by Police Board members where training could be provided or improved varied but included:

- Knowledge of operational policing.
- Knowledge of the policing command structure.
- Police finance.
- Governance.
- Scrutiny.
- Risk management.

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As well as the Police Board members, both senior Police officers and senior executives were asked if they had any training with regards to their interaction with Police Boards. None of those interviewed identified any formal training for the role although they generally identified on the job training as being the main vessel for understanding Police Board interactions. As mentioned above, some Police Board members indicated that they had experienced training in the form of presentations from the police and others. Senior police officers indicated that they were happy to assist with this form of training to facilitate knowledge or awareness of the organisation, the aims of the organisation, the strategy of the organisation and the performance. Nevertheless, there was a caveat in that some senior police officers felt that they also had to ensure not to corrupt the function of the Board. It was suggested that the ability of the Board to properly scrutinise the police could be jeopardised if the police were too involved in the Board's training and telling the Board what they should be doing.

### **6.4. Discussion**

In understanding Police Boards in Scotland it is suggested that a good place to start is the Police Board meetings themselves, the Higgs report (2003) indicates that Board internal behaviour can affect external formalisation. This chapter, therefore, presented an overview of Police Board meetings to observe its culture, structures and norms and interaction. The information regarding Police Board meetings was established using the research methods detailed in Chapter 4 of this thesis, comprising of archival literature review including minute analysis, observations, survey and interview. The results are discussed further in this section and compared to insights into board duties discussed so far in Chapters 1 to 5 of this thesis. The chapter adds to the answers already provided in Chapter 5 to research question 2.

There was a variety in the number of members on each Police Board in Scotland ranging from 11 to 34 members. Tricker (2009), however, suggests board structure is not always the best at predicting the effectiveness of the board. Nevertheless interviewees from each Board were generally satisfied with the number of members

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their own Board had, whether that was 11 or 34 members, providing the members were interested and involved in the Board's business. The minutes gave a record of the members attending their Board meetings and indicated that there were often a few members missing from the meetings, which was confirmed in the researcher's visits to Police Board meetings. The arbitrary lack of members was commented on by some Board members, particularly from smaller Boards, who suggested that a larger number of Board members would improve resilience from absences. The ideal number of members for a Police Board was not clear. Nevertheless, interviewees were generally happy with the number of members in their own Board although, as above, there was also an indication that quality was preferred to quantity. The emphasis on quality mirrored findings from the Audit Scotland (2010) review of the role of boards where it was suggested the ideal number of members was difficult to define. However, there should be enough members to provide sufficient skills and expertise, but not too many as to make collective decision making difficult.

Westphal and Zajac (1998) suggest that although boards adapt their rules and structures to meet outside pressures their actual practice is designed to meet the internal "*actors*" needs. As such, it was also relevant to look at other attendees and stakeholders at Board meetings. The Board minutes gave an indication of the additional stakeholders present at Board meetings, although there was a variance between Boards. Amongst others, those present included senior police officers and Board support personnel. There was the impression from the minutes that the meetings, in general, were run by the Convenor and the Chief Constable. The Board visits also showed that Board assistants occasionally took a leading part in the presentation of Board business.

There was no indication from the Board minutes of public attendance at Police Board meetings. Visits to Board meetings found that attendance of members of the press was limited whilst attendance by members of the public, apart from the researcher, was very rare out-with matters of major interest being discussed. Interviewees made little comment with regards to the public attendance at meetings other than to reflect the

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view put forward by Audit Scotland (2008) and highlight Board business should be transparent.

Although there was little evidence of public attendance, Board minutes showed that there were matters dealt with by the Board that were deemed to require public exclusion (although it is likely there may have been no public present). There was a variety of matters where the exclusion of the public was shown in the minutes; however, the matters discussed on exclusion of the public varied and were not consistent between Boards. Some Boards appeared to discuss some matters openly where other Boards generally excluded the public for the same discussion. This inconsistency was demonstrated in the researcher's visits to Police Boards when, at one Board, he was excluded from an SPSA presentation that he had been allowed to hear at a previous meeting at a different Board. Police complaints, nevertheless, was a matter that Boards were unanimous in the need to exclude the public. This was confirmed by the researcher's Police Board visits where he experienced being excluded each time police complaints were discussed. There was little comment from interviewees regarding the exclusion of the public. The researcher has to question that if a member of the public can, in general, sit in a court and listen to full criminal trials why should they be excluded, unless it is in the public's interest, where a matter that should have more public relevance such as the police finance or when complaints against senior officers are discussed?

Docking (2003) and Ipsos MORI (2010) indicate that there was little public knowledge of Police Boards; it is suggested, therefore, that the Boards' accountability to the public was already limited before the exclusion of the public from Board meetings was considered. Hence, it is suggested that the limited public attendance and the inconsistent exclusion of the public at Board meetings did not assist in accountability. Educating the public with regards to Police Boards and encouragement of public attendance at Board meetings appeared a weakness of Police Boards. It is, therefore, suggested that the view of Audit Scotland (2008), that for boards to operate well they should be open and transparent, was not being achieved by the Police Boards.



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The researcher found that the volume of the papers for each Board meeting could be quite extensive. The volume of the documents received was commented on by interviewees:

*“they are very thick, the Police Board papers, to find time to deal with them is quite a problem.”* (Police Board member)

There was also an indication from Board members interviewed that their busy Council workload also meant limited time to properly scrutinise this volume of Police Board papers. Some of the Board members also indicated that Board papers were often overwhelmed with policing terminology and also gave the impression to some Board members that the papers were presented for Board compliance and not for decision making:

*“reports to the Board are written to secure the Boards compliance rather than to set out the facts of the situation and to ask the Board to make a decision.”* (Police Board member)

Most Police Board interviewees were satisfied with their policing knowledge. However, the volume of papers provided generally originated from the police and there was a comment from some interviewees regarding the appropriateness of the police in essence reporting on themselves. In addition, the Board members also added that much of their policing knowledge stemmed from their local Council duties. This may help explain the apparent lack of strategic knowledge which had been commented on by HMICS (2009-2012) reviews and indicated by some Board members interviewed.

The researcher also found that when visiting the Boards, Board papers were not always freely available until a short time before the Board meeting. Although Conveners interviewed suggested that they received the Board papers two to three weeks before the meetings it appeared that Board members, in general, received the papers a week before the meeting. There was an indication from approximately 40%

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of members interviewed that they would have preferred receiving the papers sooner. It was found that the members who received their papers electronically rather than by post were less likely to be dissatisfied. The time papers were received, perhaps, may be due to the Convenor. As the Cadbury report (1992) emphasised, it was the Chair's responsibility to ensure that the board was provided with the relevant information to make decisions. Although Board members were served with the Board papers, the papers did not always appear to be available to all attendees at the Board meetings. There were several occasions when the researcher found that the papers were not available to visitors at meetings. It is, therefore, suggested that openness and clarity of meetings would have been better served with improved access to Board papers. Tricker (2009) indicates that the board information should be '*concise*', '*comprehensive*', '*understandable*', '*appropriate*', '*relevant*', '*reliable*', '*timely*' and '*cost-effective*'. It is fairly clear that information in Police Board papers did not regularly cover all these requirements.

A large volume of Board business appeared to be decided at sub-committee level and noted by the full Board rather than discussed by all members. There was also an indication from some Police Board members interviewed, confirmed by the researcher's Board visits, that they did not feel that they were given full opportunity to discuss Police Board decisions:

*"We go through all these papers at the meeting and it's like if we didn't. Most of the papers are for noting. We can go into it and we can ask questions of the Chief Constable but we're not actually making decisions here."* (Police Board member)

Although the delegation of Board business to sub-committees could have allowed the Board to conduct a greater volume of work it is suggested that there was a weakness in the system when some members of the Board could be unaware of the work conducted by sub-committees on behalf of the Board. Green (2005) indicates that the sub-committees would need suitably qualified members with the time to carry out their functions; it appears that this was certainly not the case for full Police Boards.

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Performance of the police was something that the minutes showed as regularly reported by the Chief Constable to the Board by way of crime and road traffic statistics and the Force's annual report. The main indication from the minutes was that in general this was noted by the Board with little discussion from the members. The indication from the minutes, Board visits and interviewees was that the Boards relied on the Force to report on its own performance. This may support Donnelly and Scott's (2008) concerns as to whether the Board could effectively carry out its duties. Although there was an indication that there was consideration of the performance of the Force there was no indication of any overview of the Board monitoring its own performance other than a couple of Boards engaging in limited bench marking visits to other Boards.

Audit Scotland (2010) indicates that for a board to operate well it should scrutinise and monitor the organisation's performance. Although there was an indication of some areas of policing performance being monitored, the performance measurements seemed to follow a historical review of what had always been done with many areas of policing not being reported at all. An example given of a lack of performance was indicated by a Police Board member who commented that they felt that the measurements did not tell them what the police were actually doing.

The main responsibilities of Police Board members in Scotland were highlighted by the Scottish Government's 2007 guidance for Board members. There was an indication from Board minutes and visits that some of these responsibilities were not being dealt with by all Boards. In particular, the requirements to make arrangements to secure Best Value and to participate in Community Planning were not being undertaken by the majority of Boards. At the time of the review carried out by the researcher only two of the eight Boards had Best Value sub-committees. This tends to support HMICS (2009-2012) reports that the Boards are not all complying with their Best Value requirements. With regards to Community Planning there was very little reference from any of the Boards and no indication that any of the Boards were complying with their Community Planning obligations. There was an indication from Board visits that Boards relied on Community Planning activities carried out by their

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respective police services. Section 16 of the Local Government in Scotland Act 2003 requires Joint Police Boards, amongst others, to participate in the Community Planning process. This research reflects the concerns raised by the HMICS (2008) Independent Review of Policing in Scotland over the Police Boards' lack of influence over policing decisions made at CPPs and SOAs.

The Board minutes gave no indication of difficulties arising or disagreements between Board members or police attendees. The Chair of a board can influence the board and is seen by commentators such as Roberts, McNulty and Stiles (2005) as, perhaps, the most important member of the board whilst the Cadbury report holds the Chair as crucial in securing good governance. Tricker (2009), possibly, goes even further to suggest that the quality of the Chair is an indication of the effectiveness of the board. As such it would be fair to comment that the Convenor is, undoubtedly, the most important person on the Board.

Audit Scotland (2010) also indicates that for the board to operate well it must provide leadership to their organisation. There are many areas where the Chair can find advice regarding how best to carry out their functions. In particular, the Cadbury report (1992) offers guidance for the Chair of corporate Boards. In general, during the researcher's visits to meetings they were well controlled by the Convenor and Board business was conducted smoothly without any disagreement. However, there was an occasion where one member of a Board had a disagreement over the conduct of the Convenor and suggested that the Convenor stood down. The disagreement was in regards to the verity of comments made by the Convenor. Although the researcher is not aware of the final outcome of this disagreement it appeared to have been resolved cordially and the Convenor remained in post. In general, interviewees were satisfied with the performance of their Convenor with; perhaps, the main concern reported being that a Convenor's policing experience could possibly lead to tension with senior police officers. As a Board member questioned: was it appropriate that a Councillor, perhaps recently appointed, with no police experience or who was a police officer that did not reach a high rank in the police, should tell the Chief Constable how to do their job?

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HMIC and the Audit Commission (2010) suggests that although Police Authority members in England and Wales generally implemented their duties most depended excessively on the “*Chair and a few stalwart members*”. The examination of the Board minutes did not indicate the involvement of individual Board members at Board meetings. The Board visits, however, gave the impression that some members of the Board were more willing to become involved in challenging than others and it was noted that some members did not regularly participate throughout a Board meeting. This may, of course, be due to the fact that they merely had nothing constructive to add at that time. Although interviewees felt that most Board members engaged in Board meetings it was found that some of the Police Board interviewees were restrained in asking questions due to their lack of knowledge or fear of making a fool of themselves. This is, perhaps, an acknowledgement of what Jones and Newburn (1997) referred to as “*compliance culture*” where members find it extremely difficult or do not wish to challenge their Chief Constable.

The Justice Committee (2008) in its overview of the effective use of resources recommend that adding an advisory capacity to Boards would improve their ability to scrutinise their Force and their Chief Constable. Consequently, this report examined the availability of support staff for the Boards. There was a difference in the number of support staff attached to each Board. Not all support staff attended Board meetings and, therefore, few comments can be drawn from Board visits or meetings regarding support staff numbers. Interviewees, however, in general, indicated confidence in their Board assistant’s abilities. Although many interviewees suggested there should be an increase in the numbers of Board assistants there was no overall consensus over the benefit of additional Board support staff to assist Board members. Some Board members, most notably from Boards with large staff, suggested their Board had too many staff. Where additional members were indicated the main suggestion repeated from interviewees was a finance officer.

Another comment which met with opposing thoughts was the addition of a press officer to the Board staff. Section 172 of the Companies Act (2006) indicates that the board has a legislative duty to promote the success of the Company. Although not

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directly relevant to Police Boards this, perhaps, implies that a Press Officer would be beneficial to the Police Board. Support staff are seen as essential in corporate boards and, in particular, the Cadbury report (1992) highlighted the importance of the role that the company Secretary plays. The board should be able to rely on the Secretary providing guidance, ensuring procedures are followed as well as administering, attending to and preparing minutes of board proceedings. Although not mentioned in any depth by the Board members interviewed most of the Police Boards had some form of Secretary. This position was generally held by the Clerk of Police Boards.

Key findings from HMICS (2008) Independent Review of Policing in Scotland over the role of Police Boards indicated concerns that Boards had a lack of independent support to enable them to properly deliver the degree of scrutiny, challenge and accountability required. Although the responses from some interviewees supported this, there was an indication from a large proportion of interviewees, particularly Board members, that although they could have benefited from additional support, at a time of austerity they were more concerned with the cost of the provision of the support rather than the value the support would provide.

Training is, perhaps, an essential element to a good Board, especially for newly appointed Board members, as highlighted in the Cadbury report (1992). The expertise and training of Police Board members was also seen by some interviewees as an obstacle to enable good scrutiny. This was undoubtedly an area for Police Boards which required improvement. A point of interest was that it was not only Board members but also senior police officers who indicated training for their involvement in Board duties could be improved. Guidance for board members which would also be appropriate for Police Board members can be obtained in many areas including Carver (2006), Huse (2007), Tricker (2009) and Audit Scotland (2010).

In furtherance of answers to Huse's (2007) four questions looked at in Chapter 5 concerning a board profile review, the fourth question related to board members' training. As such, reflecting on the answers put forward in Chapter 5, this research suggests the Police Boards tended to fail in all four of Huse's board profile reviews.

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Overall, there was a distinct variation in the apparent duties carried out by each of the eight Scottish Police Boards. Not all Boards seemed to be taking full cognisance of the guidance given to them by the Scottish Government (2007) or to regularly review how they operated as indicated by Audit Scotland (2010). However, it is worthy of note that there were indications from the minutes that some Boards were looking to other Boards for areas of good practice through visits to other Police Boards and the invitation of outside presenters. This outlook of some Boards combined with HMICS reports on Policing in Scotland and the Best Value Review of Police Boards may have pushed the Boards more towards benchmarking their services with a view to improvement.

Carver (2006) and his guidance on what goes wrong with corporate boards referred to in Chapter 3.6. of this thesis is suggested as, perhaps, appropriate for many of the Police Boards in Scotland. In response to Carver's areas where things go wrong with boards there is a suggestion from the overview of meetings above, that the following applied to Police Boards in Scotland.

*“There is a short term bias where it is found that boards deal with near term matters or even historical matters rather than future strategic plans”.*

*“Boards routinely will reactively respond to matters rather than to make proactive decisions”.*

*“Some boards can spend a great deal of time reviewing work that has already been done”.*

*“There is often a grey area over what authority the board has within its stakeholder partnership”.*

*“There can be situations where boards can be overloaded with work and therefore fails to overview important issues”.*

Carver (2006)

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Therefore, partly in answer to research question 2 in addition to the answers provided in the previous chapters, it is suggested that although Police Boards did some of what they were supposed to do they were not effective in many areas. In particular, areas that appeared lacking overview from Boards included equality issues, Community Partnerships, Single Outcome Agreements and Best Value. It also appeared that the Boards relied heavily on the Police Force for presentation of performance figures and had little comment on strategic issues. Although most Board members dealt with Board duties in a professional manner there were also questions regarding the ability of some to properly question the Chief Constable. Chapters 7 to 10 will look further at stakeholders' perceptions and further examine research question 3 with regards to the Police Board members' and stakeholders' perceptions of Police Board duties and effectiveness.

### **6.5. Key Research Findings: Police Board Meetings**

- Members were generally happy with the number of members in their Board whether a large or small Board. However, not all members regularly attended Board meetings which could be a challenge to resilience for Boards with a smaller number of members.
- The Convenor and the Chief Constable, in general, were the main contributors to Board meetings and not all Board members appeared to fully participate in Board proceedings.
- There was an indication that some Board members did not fully scrutinise the large volume of Board papers they were often presented with. The provision of Board papers did not appear to be concise, comprehensive, understandable, appropriate, relevant, reliable, timely and cost-effective.



- In general it appeared that Boards relied on the Force to report on its own finance and performance with marginal discussion by members.
- There was very little indication that Boards were involved in monitoring their own performance.
- It appeared that many key Board decisions were made at sub-committee level with little discussion by the full Board.
- Not all matters expected to be dealt with by the Boards were seen to be part of a Board's business. There was an inconsistency between Boards as to what matters were discussed during Board meetings and, in particular, after the exclusion of the public.
- Although there was an indication that Boards would benefit from additional support staff not all Board members supported additional staff with the main concern over the cost of the support.
- Training and particularly induction training for some Board members appeared to be limited or non-existent.

## **Chapter 7**

### **Perceptions of key tasks, effectiveness and the politics of Police Boards**

#### **7.1. Introduction**

This chapter, along with Chapters 8 and 9, seeks to add to previous chapters and further examine, assess and present information to help to examine research question 3, *What are Police Board members' and stakeholders' perceptions of Police Board duties and effectiveness?* This chapter presents further findings from the semi-structured interviews carried out with Police Board members and stakeholders and gives an overview of interviewees' perceptions of key tasks (7.2.), effectiveness (7.3.) and politics of Police Boards (7.3.4.). The chapter concludes by discussing the findings of the chapter (7.4.) then presenting the key research findings (7.5.).

Although the main findings reflected on are those of Police Board members', responses from Police Board stakeholders including senior police officers, senior police executive members and a senior Scottish Government official are also considered. The age, gender and length of Police Board membership of Board interviewees were examined by the researcher and found to be representative of the earlier Police Board profile survey results. Profile details such as age were not asked at the interview stage but reflected answers given by those who participated in the profile survey and the researcher's estimation of the age of the additional five new subjects.

#### **7.2. Key Tasks of the Police Board**

Interviewees were asked what they thought the key tasks of the Board were. A total of 45 interviewees gave their impression. This included 29 Police Board members, nine senior police officers, six senior police executives and a senior Scottish Government official. Overall, there was a large variance in the responses that were recorded from interviewees. The responses were reviewed and coded into areas

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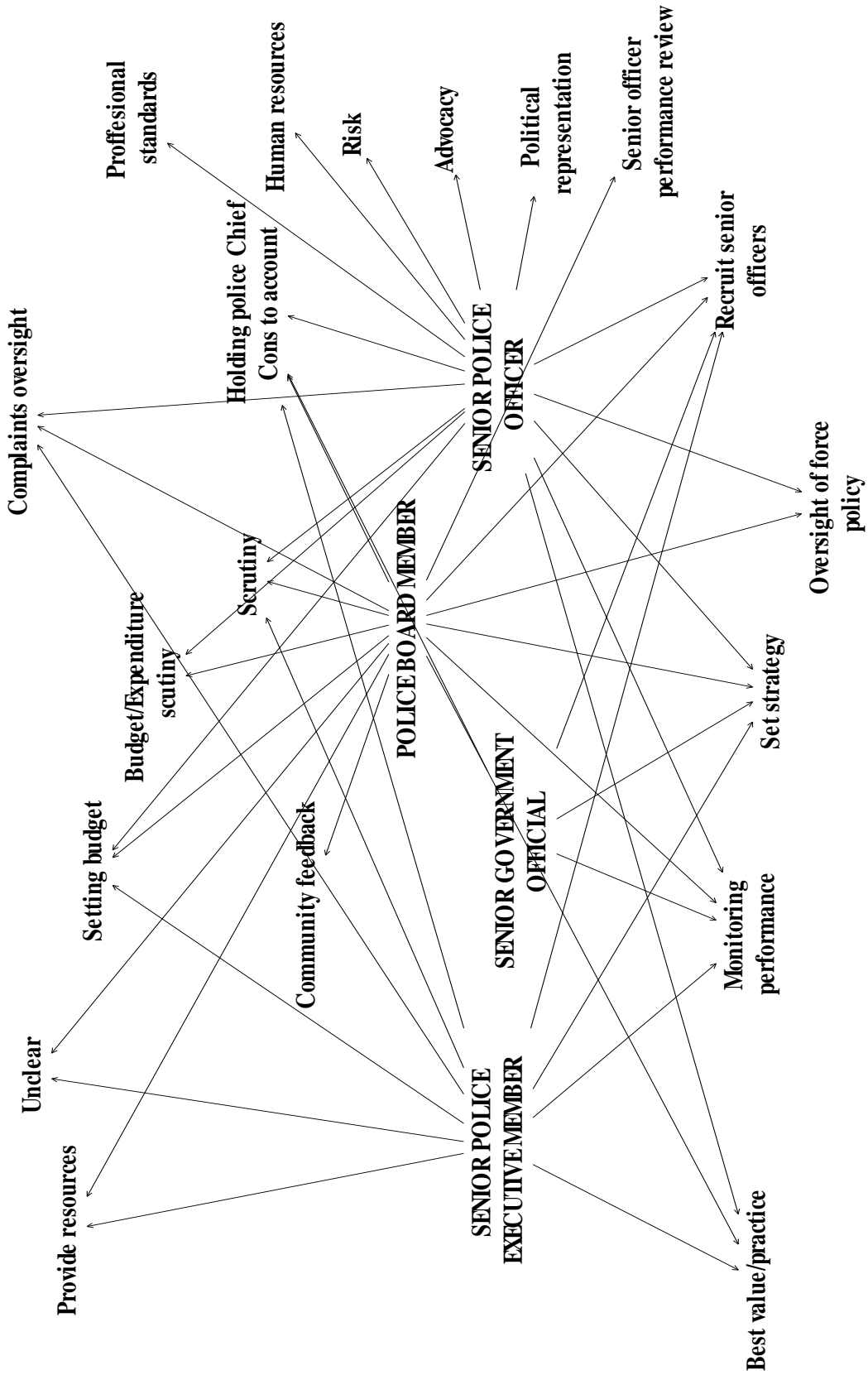
relevant to the key tasks of the Police Board. Eleven of the interviewees (10 Police Board members and one senior police executive) identified only one key task performed by the Police Board. The remainder of the interviewees identified between two and six key tasks.

Figure 7.1 below gives a pictorial map representation of the key Police Board tasks. The map separates the interviewees into four groups; Police Board members, senior police officers, senior police executives and a senior Scottish Government official. There were 19 areas thought to be key Police Board tasks identified by the interviewees. Not all the interviewees from each group identified all tasks relating to that group; nonetheless, four key tasks were identified by all four groups.

The four key tasks identified by all groups included monitoring performance, setting strategy, recruiting senior officers and holding the police/Chief Constable to account. The senior Government official had only identified these four areas and it is relevant to note a further four key tasks identified by the other three interviewee groups. These tasks were: setting the budget, scrutiny, complaints oversight and best value/practice. Seven other areas thought to be key tasks were identified by one or more interviewees; however, three of these additional areas identified as a key Police Board task came from only one individual.

The four groups of interviewees are situated in the centre of the pictorial map in Figure 7.1 below. The key tasks indicated by members from each group are identified by following the lines from each interview group to the tasks. This allows the key task to be traced to identify the group or groups of interviewees from which the suggested key task originated. The key tasks, however, may be traced to more than one interviewee group.

**Figure 7.1 Key Police Board Tasks** (Source: author's interviews)



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The responses given by the interviewees as to what they saw as the key Police Board tasks showed a variety of opinions including three respondents (two Police Board members and one senior police executive) who indicated that the key tasks were unclear or, as one Police Board member replied, “*very, very unclear*”. Overall the two main leading responses given as the key Police Board duties were ‘scrutiny’ and ‘holding the police/Chief Constable to account’. Scrutiny was divided into references of overall scrutiny and scrutiny of the budget/expenditure with neither having over 50% of responses. Scrutiny was divided into the two fields as some interviewees referred to either form of scrutiny directly or on occasions both. Apart from the possible inclusion of references to scrutiny there were no responses which showed a reply from the majority of interviewees.

At best the interviewees’ consensus with the Governments 2007 guidance for Board members was limited with less than half mentioning any particular key Police Board task identified in the Government guidance. Less than one in ten interviewees mentioned complaints oversight, whilst participating in community planning was not specifically mentioned by any respondent.

Other main duties of Police Boards included in the Scottish Government 2007 guidance and not mentioned by any interviewee as a key Police Board task include:

- The appointment of members to a Police Appeals Tribunal.
- The administration, determination and payment of awards for police pension regulations.
- Legal assistance to police officers.
- Mutual aid and foreign deployment of police officers.
- The Independent Custody Visiting Scheme.

The information included in the pictorial map is further examined in Table 7.1 below to give a clearer understanding of what each group of respondents saw as the key Police Board tasks.

**Table 7.1 Key Board Task Responses from each Group**

<b>Key Board tasks</b>	<b>Police Board members</b>	<b>Senior police officers</b>	<b>Senior police executives</b>	<b>Senior Government official</b>	<b>Total responses (%)<sup>81</sup></b>
Overall Scrutiny	12	6	4		22 (49%)
Holding the Chief Constable to account	12	6	2	1	21 (47%)
Scrutiny of budget/expenditure	8	4			12 (27%)
Setting the budget	7	1	2		10 (22%)
Monitoring police performance	5	1	2	1	9 (20%)
Setting strategy	5	2	1	1	9 (20%)
Best practice/value	6	1	1		8 (18%)
Recruiting senior officers	2	1	2	1	6 (13%)
Oversight of Force policy	2	1	1		4 (9%)
Community feedback	4				4 (9%)
Political advisory		3			3 (7%)
Task was unclear	2		1		3 (7%)
Complaints oversight	1	1	1		3 (7%)
To provide resources	1		1		2 (4%)
Advocacy		2			2 (4%)
Performance review of senior officers	2				2 (4%)
Professional standards		1			1 (2%)
Human resources		1			1 (2%)
Risk		1			1 (2%)

(Source: Interviewees responses)

<sup>81</sup> Rounded to nearest whole % figure. Multiple responses allowed so does not add to 100%.

Although there was legislation and Scottish Government guidance available to inform Board members and others what a Police Board's key tasks were, there was no overall consensus from Police Board members and stakeholders as to what they thought they included. This does not mean that these tasks were not dealt with by Police Board members but shows that there appears to be a lack of clarity as to what the key tasks of the Police Boards were.

### **7.2.1. Governance**

Interviewees were not specifically asked a direct question regarding their thoughts on governance other than a question on the future of governance which is reviewed in Chapter 10. Nonetheless, a number of interviewees were keen to extend their responses to a variety of questions to include their thoughts on the governance of Police Boards. The main comments in this area came from interviewees from the coterminous Boards who were concerned as to what actually legally formed the Police Board/Authority.

What was reported by some Board members and a senior police officer, all from a coterminous Police Board, was that there was confusion over who, between the Council and the Police Board, had responsibility for what areas of policing. The clarity of who was the Police Authority between the coterminous Local Authority and delegated Police Board was, in the opinion of some interviewees, blurred. A few interviewees indicated that they felt this caused difficulties as the Police Board was attended by senior police officers whereas the full Local Authority meeting - which was suggested by some interviewees could be seen as the legal Police Authority - was not. It was suggested that difficulties with lack of expertise over issues could be caused when, for example, the Council had control over approval for the police budget when the Police Board, which should be knowledgeable with police issues, did not.

### 7.3. Effectiveness of the Board

A senior police officer suggested that due to Councillors having a responsibility to their own Council area, their ability to effectively oversee all Police Board tasks could be limited by a narrow local outlook. An example given by the senior police officer is reproduced below:

*“I delivered about a year or so ago a presentation to the Board, at their request, around Olympic Games preparation and Commonwealth Games preparation. I had literally just completed that, just finished the last slide .....when one of the Police Authority members stood up and said well never mind all that, the Pope’s coming next month and he’s coming to (Councillors area omitted for anonymity) and it’s going to cost a fortune. What are you going to do about that?”*

On the other hand, there was an indication from some senior police officers that they felt Board effectiveness had improved over the last 10 years and were now equipped to do their job. A Board member also indicated that the good relationship they had with the police was a reflection of the Police Board’s effectiveness. Not all Police Board members indicated their confidence that the Police Board was effective and there were suggestions from a few that the Board might have tended to be lacking in its proactivity. Examples of responses where interviewees indicated that the Board members might have been lacking in effectiveness are outlined in case study 7.1. These examples included being led rather than leading, lack of strategy setting and a lack in driving performance.



**Case Study 7.1.**

**Views of Respondents on Board Lack of Effectiveness**

*“I think we tend to be led rather than taking the lead, that’s the approach, we tend to be fed reports and either accept, reject or amend or make different recommendations but we probably don’t take much initiative anywhere. We have a work plan which identifies what things we are going to look at and when we are going to get different reports but we are not really initiating anything.”* (Police Board member)

*”In terms of setting the strategy I don’t think we’re very effective at that either because we tend to let the Chief Constable just do what he wants and we don’t challenge it enough.”* (Police Board member)

*“The Police Authority should be driving the performance of the Forces to make sure that the amount we spend per cop is as good as anywhere else in Scotland and what they spend it on is getting the best yield. We are not anywhere near that, we are literally lifetimes away from that yet, so that’s where we should get to. So that’s probably a failure so far.”* (Police Board member)

Perhaps any lack of effectiveness might have been as a result of some Board members’ lack of commitment to their Police Board duties and a perceived lack of the Boards’ power of governance as indicated by one Board member:

*“I think there’s an element of people just don’t really seem to be willing to commit a lot of time to Police Boards. I can see why. We’ll get on to this later but there’s an element that makes you think ‘well, so what’. We go through all these papers at the meeting and it’s like if we didn’t. Most of the papers are for noting. We can go into it and we can ask questions of the Chief Constable but we’re not actually making decisions here.”*

There was a difference from interviewees as to what they classed as the Board being effective. A member of the same Board as an interviewee in case study 7.1, above, was not of the same opinion regarding lack of effectiveness, when asked if they thought the Board was able to complete its tasks they indicated that they saw the Board as being successful. Examples of interviewees’ responses which indicated they felt that their Police Board was effective are included in case study 7.2.

**Case Study 7.2.**  
**Views of Respondents on Board Effectiveness**

*“I think the Board is well able to do these tasks. I mean we are all different people, we have different views, some of us go on longer than others, some of them masters of non-sequiturs, but at the end of the day there is a common denominator through the whole process and it does get done and it does get done effectively.”* (Police Board member)

*“although we are of different parties I think there is a fair amount of unanimity and enthusiasm for ensuring that policing in (omitted to assist anonymity) is done well and effectively”* (Police Board member)

Many of the interviewees voiced the opinion that the effectiveness of the Police Board could be attributed to the effectiveness of the individual members, as posited by a senior police officer in regards to Board effectiveness:

*“If you get the right collaboration of people then yes is the answer. If you get the wrong collaboration of people - absolutely not...”*

One of the barriers to effectiveness could be the retention of expertise as indicated by a Police Board member:

*“I think one of the problems is that I think that when there’s a Councillor doing something like this that just when you get an expertise the next election comes along and that expertise gets blown to the wind and we will start all over again.”*

Another area in which Board members suggested that there could be improvement was in the engagement with the public. All Board members were Councillors and, therefore, had a contact with the public in that capacity. However, it was generally felt that the good work of the Police Board itself was not recognised or publicised. Only when there was something controversial dealt with by the Board would it end up in the press. Another comment was made by several Board members about a Police Boards ability to sufficiently participate in Single Outcome Agreements and Community Planning Partnership activities. It was felt by some, in particular members

of Police Boards with a larger number of Council areas, that it was often difficult to bring various SOAs from a number of Council areas into a workable Force-wide representation.

Overall, a large number of interviewees felt that the Police Board was effective in its role. Areas where interviewees saw Police Board governance as effective included the Boards relationships with the police and the scrutiny of complaints against the police. Complaints against the police were highlighted specifically as a good example of Police Board effectiveness; it was felt that the independent examination of complaints by Board members was excellent and ensured scrutiny.

Nevertheless, there was a significant amount of interviewees who had some concerns over the effectiveness of the Police Board. Areas identified where their Police Boards might not have been effective included:

- Board members having a narrow local outlook.
- The Police Board lacking in its proactivity.
- Board members' commitment to their Police Board duties.
- The ability of the Boards to drive the performance of their police service.
- The ability of the Board to participate effectively in Single Outcome Agreements and Community Planning Partnerships.
- Lack of expertise and training of Board members.

### **7.3.1. Scrutiny and Accountability of Board Members**

To examine scrutiny and accountability for Police Boards, interviewees were asked their thoughts about the Police Boards' scrutiny of police performance and finance.

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Responses generally related to the scrutiny by Board members although responses often expanded to include most aspects of scrutiny and accountability. Scrutiny and accountability were seen as very important by most interviewees and, in particular, were welcomed by all senior police officers. As voiced by a senior police officer:

*“as a citizen and a (rank omitted to aid anonymity) it’s in my interest that the Board does their job well, so I’m not trying to hide anything from them, and you know the fact that they hold us to account means that we are sharper on our decision-making. We don’t make stupid decisions because we know that we are going to answer for them. You know I mean I really believe in that whole notion about accountability and scrutiny because I think it improves the quality of decision-making.”*

One of the main strengths of Board scrutiny put forward by some interviewees was the public accountability of Board members as elected representatives. On the other hand a few Police Board members also commented on what they felt was a lack of Councillors’ general accountability. The public election of Councillors was seen as an area that could have an adverse effect on the ability of the Board to properly scrutinise policing; it was suggested that, as Councillors, they were not held accountable for Police Board decisions. This, perhaps, relates to the apparent lack of Board performance monitoring indicated in Chapter 6.

A few respondents also indicated that, perhaps, one of the areas of weakness for scrutiny was that, in general, the Board relied on the police service for the figures they scrutinised. Nonetheless, there was also evidence from Board members that they were willing to challenge and scrutinise where required, as one Board member commented:

*“there are a lot of people who will challenge. There are some people I never hear them speak but that’s not a criticism, it might be that you know they are happy with things that are going on, there’s a lot of constructive criticism and it’s put forward eloquently and you know people are not scared to challenge and some serious challenges.”*

Examples given by interviewees for lack of accountability are included in case study 7.3 below.

### Case Study 7.3

#### Views of Respondents on Board Members

##### Lack of Accountability and Scrutiny

*“I think that the members are not really accountable, nobody calls me as a (area omitted for anonymity) Councillor to account for what’s done on their behalf by the Police Board. The Boards tend to be dominated by the larger Councils, there’s more from (area omitted for anonymity) obviously and because they only come together every 6 weeks or so a huge amount of decision-making is delegated to the Convenor sub-committee and to officers so it tends to be officer led rather than member led” (Police Board member)*

*“So we are pretty dependant on what the police and other officers put in front of us, I think that’s the biggest weakness that we are as I said before led rather than being leading.” (Police Board member)*

*“you cannot independently scrutinise something that you are having to ask the person for in the first place..... So you need a balance and the forefront has to be that you are there to oversee, you are not there to be part of and to get information from the source, which is the police Force itself; you can’t independently oversee what’s going on. Everything that you request will come with a particular slant, presented in a particular way.” (Police Board member)*

*“I don’t think there is and certainly from this Force’s perspective the Scottish Police Performance Framework is just a non-entity. What we are interested in is internal performance, holding Divisional Commanders to account for you know how safe they can keep people within their communities, that’s what it’s about for us. So it’s taken really seriously internal.” (senior police officer)*

There were also a few Board members who suggested that the scrutiny was completed by a limited number of Board members at pre-agenda meetings, leaving little scrutiny for the rest of the Board. This was also echoed by a senior police officer, replicated below, who suggested that was also their reflection of Police Boards in the past. However, they did add that they felt Police Boards had improved and at that time provided effective scrutiny:

*“we’re on a journey and is it right, is it perfect, no it’s not but I think they perform that role and in the (Length of time omitted to assist anonymity) that I’ve*

*been here I've seen I suppose a regular improvement in terms of the breadth and depth of questions and I suppose do I ultimately feel that I'm being scrutinised when I go to the Board ..... yeah.*" (senior police officer)

In general, when it came to finance rather than performance, most interviewees indicated that they were satisfied with the accuracy and professionalism of the information. Interviewees indicated that they felt there were enough 'checks and balances' in place through Audit Scotland, Local Council, Her Majesty's Inspectorate of Constabulary and independent audit to satisfy them that the finance figures submitted for scrutiny were, as one Board member suggested "kosher".

As mentioned previously, scrutiny of the police Forces did not only come from the Police Board but also included HMICS, Audit Scotland and others. It has been suggested by a few respondents that there was too much scrutiny, as one Board member indicated above, and also considered scrutiny through ACPOS, the Conveners Forum, Scottish Government, COSLA and Single Outcome Agreements.

### **7.3.2. Best Value and Benchmarking**

Lustgarten (1986) argues that the only way to measure effectiveness of the Police Authority was to benchmark against other Police Authorities. Interviewees were, therefore, asked if they were aware of benchmarking or Best Value at their Board and subsequently provided differing responses. At the times of the interviews HMICS and Audit Scotland were conducting a Best Value review of the Police Boards and police Forces in Scotland. As such there was, in general, an awareness of Best Value with some Police Boards also having some form of Best Value sub-committee reporting to their Board. As a senior police Force executive responded in respect to how the Best Value review had affected their Police Board:

*"I think the Best Value review has been a trigger for a degree of self-appraisal for a desire to demonstrate that they are managing, scrutinising and holding the Chief to account."*

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Although there was a general awareness of Best Value from interviewees there was a concern from some that perhaps the use of Best Value was limited in its depth and strategic overview. The awareness of Best Value did not always transfer to a full understanding of how it related to the Police Board, not everyone was comfortable with Best Value as one Police Board member reported:

*“When I hear the words Best Value I tend to duck and look for cover so I wouldn’t be too confident in making any sort of statement about that to be frank.”*

When asked about benchmarking interviewees reported that they were not aware of benchmarking from their Board. In particular, some interviewees from Strathclyde, the largest Scottish police Force, were of the impression that due to its size it was impossible to compare it without looking at police Forces outside Scotland. On the other hand some interviewees from the smallest police Forces indicated an awareness of benchmarking at their Force and at their Police Board.

Some Police Board members indicated that they had visited other meetings of Police Boards in Scotland in order to compare and learn. Another form of benchmarking that some respondents indicated was the regular overview of statistics in regards to performance, in particular with reference to the Scottish Policing Performance Framework. Police senior executives, in general, reported an awareness of benchmarking although this was mainly in relation to procurements by the Force and not benchmarking by the Police Board.

A Board member suggested that it was not always easy to decide what to benchmark and against what statistic or which police Force to benchmark. An example given was the measurement of serious crimes such as murder where the volume of crimes can increase or decrease slightly between years with a huge percentage difference on the preceding year, resulting in a difficulty to gauge how they were doing from the statistics.

Areas that were predominant in HMICS (2009-2012) adverse comments for Boards included planning for the future and the Board's involvement in the Force's strategic direction. Although perhaps there was still some way to go to fully ensure Best Value, overall it was evident from respondents that HMICS Best Value review of Police Boards and police Forces had improved Boards' use and understanding of Best Value. There were, however, question marks as to the depth and breadth of the practice of Best Value and benchmarking in Police Board duties.

### **7.3.3. Holding the Force/Chief Constable to Account**

There was little response with mixed indications from Board members regarding their ability to hold the police/Chief Constable to account. A comparison of responses from Board members indicating holding and not holding the Force/Chief Constable to account is shown below.

#### **Holding to Account**

*"There is a healthy questioning from the floor and we would hold the Chief Constable to account."* (Police Board member)

#### **Not Holding to Account**

*"Police Boards I think have a tendency to acquiesce to that and it does it too readily and it doesn't challenge it and it doesn't make other suggestions, it just acquiesces."* (Police Board member)

*"Do I think it should be able to? Yes. But does it? I don't think so."* (senior police officer)

Senior police officers welcomed being held to account by the Board; however, there was an indication that in the past it was not always the case that the Chief Constable would have been happy to be held to account. An illustration of this is given by a senior police executive who stated:



*“I have known Chief Constables in the past, not that long ago, who would just have refused to answer and respond to questions that are now being put to the current Chief Constable. He would just have said “that’s an operational matter”:* almost label everything as an operational matter.”

As suggested above the evidence from senior police officers interviewed was that there was a strong desire to be held to account. However, there was a suggestion from a few interviewees that Board members were not able to hold the Force/Chief Constable to account; although, there was a caveat to this response voiced by some interviewees, in that they believed that Police Boards were learning to hold the Force/Chief Constable to account.

#### **7.3.4. Board Politics**

Police Board members are elected by members of the public as Councillors, generally on a political platform. Hence, interviewees were asked if policing needs and party political priorities could conflict in Board responsibilities. There was a variance in responses with some interviewees insisting the Board was apolitical. However, a substantial number of interviewees indicated that there was some form of politics on Police Boards, although not always party politics.

As stated by a Police Board member:

*“I have no doubt whatsoever that other members, the idealism that brought them into politics informs their conduct, in fact I am quite sure that it does.”*

A senior police officer from the same police area as the above Board member confirmed the member’s observations but added that it was not always the case:

*“I think that happens yes, there is voting and voting down party political lines if it’s a particularly contentious piece which is going to the Authority. Having said that, I have seen Councillors strive to be independent in their kind of thinking around*

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*some key issues which have been taken to them and trying to put the party political piece to one side and basically to look at what is in the best interests of the organisation..... There have been one or two sort of fairly high profile incidents within this Force area of late where Police Authority members have very clearly gone and taken a party political stance.” (senior police officer)*

The belief that politics influenced their Board varied with different interviewees, a contrary observation to the above was given by a senior executive of the same police Force:

*“No, I’ve seen very few instances of party politics arising, certainly in the (area omitted to assist anonymity) Board. In fact it was one of the strengths of the (omitted to assist anonymity) Board.”*

Areas mentioned where Board members thought that politics had come into play included:

- The election of the Convenor.
- The Convenor shaping things in his party’s image.
- Discussions on anti-social behaviour.
- The budget.
- Council funded police officers.

A Board member commented that they were of the opinion that the political balance in the Police Boards was unfair and undemocratic. Their premise was put forward on the basis that as a single party member of the Board they found that they could not initiate a vote against some items. To do so they needed to be proposed and seconded, but

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because they were the only member of their party they could not get support; hence, they were unable to vote against all issue they wished to.

Several interviewees also indicated that they thought that the main area of political conflict came from the Scottish or UK Government. However, a few interviewees thought that hardly any party politics come in to play in Police Board duties and that, in general, Board members worked hard to ensure party politics did not interfere and their Board remained apolitical. On occasions, however, there were exceptions that could not have been avoided such as on appointments to committees to retain political balance. It was argued by a senior police executive that it was a delicate balance and, although the Board was an apolitical organisation made up of political members, legally politics should not come into decisions:

*“the Board is accountable in law for its action and all the members, it should be done on an apolitical basis and certainly I have not seen any evidence of political bias trying to influence the work of the Board because, ultimately, they are all legally responsible for their actions so they should be seen to act in the best interests of it.”*  
(senior police executive)

There was an indication from several interviewees from the joint Boards that they were more aware of Board members lining up geographically rather than politically and representing their own constituencies rather than the political parties they were elected for. Another example of geographical politics was seen in Strathclyde where the Convenor was always elected from Glasgow. Although they were aware of the geographical influence the senior Scottish Government official interviewed said that they were unaware of any sign of political influence on Police Boards. They went even further than party political influence to also suggest that there was also little Local Authority influence over the Police Boards:

*“there seems to be even quite a disconnect between a Council’s policies and motivations and the Joint Board’s.”* (senior government official)

Most senior police officers were of the opinion that politics influenced Police Board members in their duties although two senior police officers voiced an opinion that political ‘interest’ could also come from the Scottish Government, as one said:

*“I have seen a huge change in Government desire to become directly involved in the issues of policing in particular areas.”*

Although, another senior police officer, who indicated an awareness of politics, suggested that political interest is not necessarily a bad thing:

*“I did see an example of it where it’s split on national political lines of Labour and SNP over an issue in relation to budgets and redundancy but that’s not a bad thing. Politics is part of policing; politicians have a legitimate place in influencing policing so it wasn’t a negative thing.”*

Board members in general saw their local duties as a priority and many liaised with the public as a politically appointed member and were content for this localised political involvement in the Police Board. However, when it came to a national level the thoughts were generalised by a Board member who commented *“I don’t think politicians should get too close to the Police”*. Although some respondents strongly believed that Police Boards should be apolitical some respondents had clearly seen Police Board political influence in practice. However, as suggested by a senior police officer above, was this necessarily a negative thing?

#### **7.4. Discussion**

This chapter looked at interviewees’ perceptions of three main themes which included: key Board tasks, Board effectiveness and Board politics. The interviewees’ perceptions indicated above are further discussed below with regards to information provided in previous chapters of this thesis.

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There was direction in both legislation and from the Scottish Government (2007) guidance document for Police Board members, referred to in Chapter 1 of this thesis, which outlined Board members' duties and responsibilities. The key legislation setting out duties of Police Boards in Scotland was the Police (Scotland) Act 1967. Subsequent legislation added further Police Board responsibilities including, but not restricted to, the Local Government (Scotland) Act 2003 centring on Best Value responsibilities. Donnelly and Scott (2010, p.78) suggest that of the 160 Acts passed in the first decade of the Scottish parliament around one quarter had implications for the Justice Department. The 2007 Scottish Government guidance document is used in this report as the main comparator to what tasks interviewees saw as the key Police Board tasks.

Greater role clarity was seen by HMIC (2010) as a characteristic associated with good governance. Interviewees were, therefore, asked what they thought the key Police Board tasks were. The responses from interviewees indicated that Board members and stakeholders appear to have some appreciation of what was expected of a Police Board. However, apart from the inclusion of scrutiny there was no consensus of exactly what the key tasks of the Police Board were. Although there was legislation and Scottish Government guidance outlining Board responsibilities it is evident that specific key Police Board tasks were unclear to some Board members and stakeholders. Much of the requirements/guidance included in both guidance and legislation was not mentioned as a key Board duty by any interviewee. It was also noted that there was little mention of the four main functions of a corporate board suggested by Tricker (2009) which included '*accountability*', '*strategy formulation*', '*supervising executive activities*' and '*policy making*'.

The lack of clarity of Board members as to the key Board tasks may, of course, have been related to the findings of Chapter 6 of this thesis that more than half of the Police Board survey respondents indicated spending less than two hours per week on Police Board duties. This may also have been due to many Board members indicating a lack in training relating to their Board member duties. The apparent lack of clarity was also noted by Nicholson (2012, pp.8-9) in the Scottish Government's consultation on

reforming the police and fire services, where a call for more clarity in the role of police governance was a matter raised by respondents.

Therefore, although Police Boards generally appeared to carry out the duties that were presented to them in a professional manner a lack of clarity in the key functions did not benefit the effectiveness of the Police Board duties. Scrutiny was the key task most readily reported by interviewees although less than half of the interviewees were able to agree on any key task. There is much information available regarding the effectiveness of boards; as indicated in Chapter 3 the Audit Scotland (2010) review of boards put forward that for the board to be efficient it must: Provide leadership to their organisations, set the organisations strategic direction within the context of Scottish ministers policies and priorities, scrutinise and monitor the organisations performance, display integrity in how they behave and how they make decisions, be open and transparent, regularly review how they operate, and not become involved in the daily running and operation of the organisation. It is obvious from the information from Chapters 1 to 7 that the Police Boards were not meeting many of the main performance measures indicated by Audit Scotland (2010). In particular the Boards appeared lacking in strategic direction, openness and transparency and reviewing how they operated.

The Police (Scotland) Act 1967 set out that every police area should have a Police Authority. This thesis suggests there was a variance in governance between the Police Boards in Scotland. One of the examples of this included the coterminous Boards which had much of the responsibilities for deciding policing budgets undertaken by their Local Authority. In the case of the Joint Police Boards the provisions of the 1967 Act provided for most of the functions of the constituent Authorities of the police Force area to be delegated to the Joint Police Board. In the coterminous Authorities of Fife and Dumfries and Galloway the Local Council was the Police Authority which delegated many of its functions to its Police Committees which operated, in general, in the same manner as the Joint Police Boards. Members of the coterminous Boards (Police Committees) suggested that this could cause some confusion. This was suggested to be particularly relevant with the Police Authority (the Local Council)

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deciding on police funding without discussion with the police or the Police Committee. The lack of clarity in Police Board functions was also suggested by Donnelly and Scott (2010) to relate to the lack of legislative clarity over the tripartite systems functions.

In the examination of efficiency and effectiveness of the Police Board consideration has been given to the questions referred to in Chapter 3 by US Conference Board's Corporate Governance Research Centre (1999), Carver (2006), Huse (2007) and Audit Scotland (2010). There was no consensus from interviewees as to whether their Board was efficient with a variance from interviewees both between and within Boards. Some of the reasons for a lack of efficiency mentioned by interviewees included the lack of expertise and its retention, poor Board public engagement especially in CPPs and SOAs, lack of strategy setting, some Board members narrow outlook, Board members lack of commitment to Board duties and being led rather than taking the lead. On the other hand, a large number of interviewees saw their Board as effective and praised areas including the Board's relationship with the police and the scrutiny of complaints against the police. Although there was an indication from some interviewees that the Boards were not efficient and that often concentrated on local issues there was an acknowledgement from some that there had been an improvement over their experience of Board work.

However, the meaning of efficiency may not be clear; Jefferson and Grimshaw (1984), referring to England, suggest there was no definition of what efficiency was for Police Authorities. As mentioned above, there were several areas where it was thought by interviewees that their Police Board might have been lacking in efficiency. This was confirmed by a finding of lack of Police Boards' efficiency by the Audit Commission and HMIC (2010) during their report on the first 10 joint inspections of Police Authorities in England and Wales and Laing and Fossey (2011) in their report on Police Boards in Scotland. This lack of efficiency reflected Chapter 3 of this thesis which identified seven key areas that Laing and Fossey (2011, pp.15-18) suggest need addressed which include: 'Defining the Policing Function', 'balancing democracy and governance', 'balancing operational independence and governance', 'balancing

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interests, responsibilities and capability’, ‘balancing the national and local’, ‘simplifying the governance landscape’ and ‘effective governance and scrutiny’.

Lack of accountability was not only relevant to Scottish Police Boards but was also found in Police Authorities in England and Wales. The Audit Commission and HMIC (2010) suggests:

*“Most Police Authorities perform their statutory responsibilities to some extent, often relying overly on the contribution of the chair and a few stalwart members. Police Authorities could perform more effectively by focusing on setting clear strategic direction for policing which reflects the views of the public and securing the best possible value for money with whatever resources they have.”*

Audit Commission (2010, p.5)

Myhill (2007) suggests that Police Authorities in England and Wales had unfocused public forums at divisional levels and recommended that Authorities ensure community engagement was an on-going process. This thesis research suggests that Police Boards in Scotland tended to have little community engagement and left it to the police or Councillors at a local level. Lustgarten (1986) indicates that local consultation is essential as without public consultation the police will not succeed in their endeavours. Hence, it is suggested that the Police Boards in Scotland should have ensured community engagement was an on-going process.

It was suggested by several interviewees that to have good scrutiny the scrutinisers must have experience in relevant areas of finance, human resources or performance management. The Police Board profile survey suggested that Councillors on Police Boards might not necessarily have these experiences. Scrutiny and accountability are essential for good governance and are key objectives for the reform programme put forward by the Christie Commission (2011).

*“all public services constantly seek to improve performance and reduce costs, and are open, transparent and accountable.”*

Christie Commission (2011, p.23)



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Scrutiny and accountability were seen as very important by most interviewees and were particularly welcomed by senior police officers. Public accountability was seen as a strength of Councillors forming the Police Board, although a Police Board member questioned if Councillors were ever scrutinised as a Police Board member. There was no consensus as to whether the Board was able to hold the Chief Constable to account with some interviewees indicating that the Board tended to acquiesce too readily. This, perhaps, confirms Donnelly and Scott's (2008) concerns over whether the Board was able to influence local policing or was merely an advisory Board. Nevertheless, there was also an indication that the Boards were improving.

However, as mentioned above what is meant by accountability is not always clear and Day and Klein (1987) suggest it was a chameleon with many meanings. Lustgarten (1986) gives a similar suggestion stating that the meaning of accountability was very vague. Huse (2005) and others indicate that a starting point for accountability is to look at the behaviour and processes in the boardroom. It is, therefore, suggested that as a start to looking at accountability of Boards the Board should first look at itself. Lustgarten (1986), in relation to accountability, comments that the only real way to measure the effectiveness of Police Boards is to measure them against other Boards. Interviewees indicated that there appeared a general lack of the use of benchmarking and Best Value by Police Boards. Although most interviewees had a general awareness of Best Value and benchmarking, their general lack of use was confirmed by HMICS Best Value Reviews (2009-2012) where many of the Police Boards were found to have limited involvement in Best Value and benchmarking.

It was felt by some interviewees that the benchmarking of Police Boards in Scotland would have been difficult due to the diversity of the Boards. Although felt to have improved over the last 10 or so years, there was still a question from some interviewees over the ability of the Board to hold the Chief Constable to account. Lustgarten (1986) suggests that the Police Authority were pliant bodies, many of whom saw themselves as "*cheerleaders*" for the police. This was, perhaps, also seen by the researcher in the response from a few Board members who were either

intimidated by the Chief Constable or those who saw themselves as part of the police service echoing what Jones and Newburn (1997) referred to as “*compliance culture*”. As indicated previously, Donnelly and Scott (2010) suggest that the increase of bureaucracy from public bodies and elected officials means the police are under greater accountability than ever. Of course, there is the trade off from the amount of accountability imposed.

As Mark (1978) suggests the doctrine of constabulary independence (Denning, 1968) is central in the volume of accountability that makes policing in Britain the most accountable and, therefore, the least powerful. However, Mark also indicates that this, therefore, made British policing the most acceptable in the world. What was evident from most interviewees was that accountability of policing needed to be seen coming from Police Boards. In particular, senior police officers welcomed strong scrutiny from Police Boards and were happy to see it applied.

Savage (1984) and Lustgarten (1986) indicate the question regarding accountability had increasingly been viewed as how much political control there was over policing. There has been an indication from commentators in Chapter 1 and 2 of this thesis that there was politics in policing. Jones (2008) sees policing as “*inevitably and inescapably political*”. Interviewees were, therefore, asked if they thought policing needs and party political priorities could conflict in Board responsibilities.

Although there was a general consensus from interviewees that politics should not interfere with Police Board duties, there was no consensus from interviewees as to whether politics was a factor in Police Board duties. There was an indication from some interviewees that party politics could at times have played a part in Police Board decisions. It was also suggested that politics can show itself with some members lining up to impose geographical influence in Police Board decisions. However, most interviewees indicated that most Police Board members would deal with Board matters in an apolitical nature which would be assisted by strong overview by the Convenor.

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There was also an indication from some interviewees that, as well as local politics, there could also be political influence imposed on Police Boards from the Scottish Government. Commentators such as Reiner (2000), Scott and Wilkie (2001) and Donnelly and Scott (2002) argue that the policing power has moved towards Central Government. Scott (2011), nevertheless, suggests that this increase in Government activity is not necessarily a bad thing. It was interesting to note a general theme, voiced by a Board member who said that politicians should not get too close to the police, when they themselves were in essence political appointees. Although most interviewees indicated their concern over Government involvement, one respondent, echoing Scott (2011), felt that this may not necessarily be a bad thing. An example of political involvement given by several interviewees was the Scottish National Party's position of having an additional 1000 police officers in Scotland. Politics and Government influence over Police Boards is discussed further in Chapters 9, 10 and 11 of this thesis.

### **7.5. Key Research Findings: Perceptions of key tasks, effectiveness and the politics of Police Boards**

- Other than a reference to scrutiny there was little agreement from Board members as to what they saw as the key Board tasks.
- There was a distinct variance in interviewees' perception as to whether their Board was effective.
- An area indicated by interviewees where the Board was effective included the relationship with the police and the independent review of police complaints.

- Areas where interviewees indicated Boards were not effective included a narrow local outlook, lacking in its proactivity, commitment to Police Board duties, driving the performance of their police service, participation in SOAs and CPPs, members' expertise and training for Board duties.
- There was a clear expression of senior police officers' desire to be scrutinised.
- In general, there appeared to be a lack of the use of benchmarking and Best Value by Police Boards.
- There was an indication from some interviewees that politics or geographical political influence could, at times, play a part in Police Board decisions.

## **Chapter 8**

### **Perceptions on Budget, Performance and Complaints**

#### **8.1. Introduction**

In this chapter the analysis of the Police Board and stakeholder interviews continues with an overview of interviewees' perceptions on the Police Board and the policing budget (8.2.), police performance (8.3.), strategic direction (8.4.2.) and police complaints (8.5.). The chapter concludes with a discussion of the results of the interviews (8.6.) and subsequent presentation of the key research findings from the chapter (8.7.). As with Chapter 7, this chapter in part provides answers to research question 3.

#### **8.2. The Board and the Budget**

Historically, 51% of the police budget was provided by Central Government with the remaining 49% provided by Local Government. Although this arrangement was derided by an agreement reached between the Scottish Government and Local Authorities in the form of a Concordat (Scottish Government 2007) the percentage of funding generally maintained the status quo. A number of factors were taken into account for the distribution of funds for policing an area; the funding was generally the Scottish Government assessment of what was needed to be spent to ensure that an efficient level of police service was provided. Donnelly and Scott (2010) expand this to submit that almost all police funding, therefore, came from Central Government either directly or indirectly.

##### **8.2.1. Board Budget Control**

Responses from interviewees mainly suggested that they thought that the Police Board had a very limited or no control over the budget; hence, budget allocation is only

briefly commented on in this paper. The main reasons given for the lack of any budget control was that the majority of the budget went on salaries which left little for any other budget control. Another suggestion was that Board budget matters were dealt with in sub-committees without the input of the full Board. However, a few interviewees, who were mainly Conveners and senior police officers, were of the opinion that they did have a say over budget control. This was suggested as through the Police Board, or in the case of the unitary police Forces, the Local Authority, working with the Chief Constable to determine and set the budget. This budget negotiation was seen as essential by a senior police officer who liaised with a number of Local Authorities in respect of the police budget:

*“that’s an important part of what I do, you could almost argue it’s the most important thing because if we haven’t got the resources you know it doesn’t matter what fancy ideas you have you can’t implement them without the resources.”* (senior police officer)

### **8.2.2. Budget Priorities**

It was fairly clear which budget matters were generally brought to the full Board through Police Board and sub-committee minutes of meetings. But, it was not so clear what was dealt with by Board members and what was seen by the Board members and stakeholders as priorities. Interviewees were, therefore, asked what they thought were the budget priorities.

There were 45 respondents to this question including 29 Police Board members, 10 senior police officers and six senior police executive. The interviewees varied in the number of priorities suggested by each. Although several interviewees mentioned multiple priorities, a large percentage of interviewees suggested only one priority. In total interviewees put forward 17 general budget priority themes. Nine of the themes were mentioned by two or more of the respondents whilst the other eight themes were mentioned by individuals. These responses were analysed using an Excel spread-sheet to record responses and prepare a topic centred response rate analysis. Table 8.1

below gives an outline of the themes from respondents' perceptions on the police budget priorities that two or more people mentioned.

**Table 8.1 Police Budget Priorities**

<b>Priority</b>	<b>Number of Respondents</b>
Police Personnel Numbers	<b>14</b>
Effective Community Engagement/Accountability	<b>9</b>
Allow the Chief Constable to do their job	<b>7</b>
A Balanced Budget	<b>5</b>
The Policing Plan	<b>4</b>
Best Value for Money	<b>4</b>
Allow the Chief Constable to fulfil tasks of The Scottish Government	<b>4</b>
Local Overview of the Budget	<b>2</b>
The Board to get the money it is looking for	<b>2</b>

(Source: Interviewees' responses)

There was no overall consensus from interviewees as to the main police budget priorities with less than one third of those interviewed agreeing on a single priority. As can be seen, the police budget priority theme mentioned by the most respondents was in connection with police personnel numbers. Perhaps more interestingly and possibly reflecting the local commitment of Councillors, more interviewees indicated that the priorities for the budget should be to allow effective community engagement than to allow the Chief Constable to do their job.

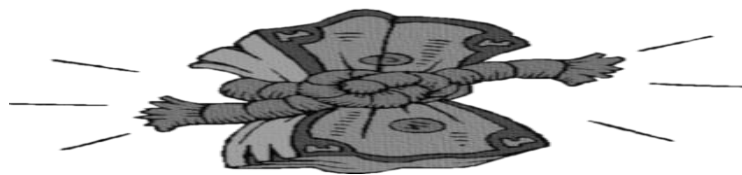
Responses from senior police officers did not mirror each other with only two interviewees agreeing on the same theme on two occasions. These themes were the policing plan and to allow the Chief Constable to fulfil the tasks of the Scottish Government. It was also interesting to note that on both these topics there was a fairly low response from other respondents with the responses from senior police officers providing 50% and 66% of the total responses respectively.

Not all those interviewed actually gave a response that was attributable to any of the themes listed. Some interviewees chose to comment on their Board's or sub-committees' budget mechanics or some response other than their thoughts on budget priorities. There were also a few responses, not reflected on in this report, which commented on topical matters and talked at length on what they thought about budget savings and austerity measures. The themes that were reported by individual respondents are not included in Table 8.1, but included property strategy, ensuring a legal budget, to allow the Chief Constable to fulfil tasks of the member's political party, terrorism, murder, public safety, sustainability and a comparison to the public sector.

There were, overall, very few definitive ideas as to what the priorities of the police budget should be; however, perhaps the clearest response was from a senior police officer who indicated Police Boards budget priorities as follows:

*“they (refers to the Police Board) have a legal duty to provide sufficient resources for an efficient and effective police Force or policing service, we provide in the area, from you know, as their responsibility as Police Authorities they have to provide that funding and they will want to be reassured that that will be spent on the priorities of the local people.”*

### **8.2.3. Board Control over Police Spend**



Interviewees were also asked what control they thought the Board had over the budget spend. There was a good response to this question with 24 Board members, nine senior police officers, five senior police executives and a senior Scottish Government official giving responses.



There was no overall agreement as to whether the Board had control; often responses were in disagreement as shown in the responses in case study 8.1 below. A senior police officer responded that they did not think that the Board had full control over spend and that it was left to the Chief Constable. On the other hand, a Board member from the same Force as the senior officer indicated that, in their opinion, the Board had full control over the spend. Case study 8.1 also shows two other examples of responses regarding control of spend one of which indicated that the Board's role was scrutiny over spend whilst the other response tended to suggest that they felt the Board control over spend amounted to "not a great deal". One of the main reasons given by this interviewee, for the lack of control, was due to Central Government control.

### Case Study 8.1

#### Board Control over Spend

*"I wouldn't say we've got control over the spending or the operation of it, Police do that and they report back to us and we're there to raise questions.....So it's more a scrutiny role from us rather than to say how it's spent."* (Police Board member)

*"No, it doesn't really and it will very much take direction from the Chief Constable because the Chief has always been very clear around any kind of financial cuts to the budget."* (Senior police officer)

*"it would be interesting to see what happened if a Board tried to assert that and say right we want to put more money into X and to hell with you Central Government. I think there would probably be a reckoning on that and Central Government would slap the Board down."* (Police Board member)

*"Now – total. The (omitted to assist anonymity) Committee was always attended by either the Deputy Chief Constable or, in his absence, the Chief Constable and we held him very strictly to account for the various operations of his budget and also for comments made by either the internal auditor or external auditor."* (Police Board member)

In general there is the impression from responses that although the Police Boards monitored the spending of their police Force they had limited involvement in the spend after the negotiation of the budget. Since most of a police Force's budget was allocated to police wages there was seen by many to be limited wriggle room for the Chief Constable to spend the budget. It was also indicated from some interviewees that should the Police Board have been dissatisfied with any police spend then it would have acted although the measures it would have taken were not suggested. A

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senior police officer indicated that the police budget/spend was the result of forward planning, hard work and negotiation with the Board and Local Authority. On the other hand, a Police Board member suggested that the control over spending was more retrospective.

The majority of responses from interviewees indicated a belief that the Police Board could and would object in areas where it was legitimate for them to do so. Although some interviewees could give examples of other Police Boards' (generally English Forces) objection to police spending there was little recollection of occasions when their Police Board had objected to Police spending. Some examples given of control of the spend included: additional money given by a Local Authority for additional local police officers and from members of several Police Boards their Boards refusal to agree to pass the power to the Chief Constable to negotiate the budget.

In an attempt to obtain a little more clarity the interviewees' responses are illustrated in Table 8.2 below. The responses outlined were, however, subject to the following caveat. Interviewees were not always entirely clear as to exactly the level of strength of Board budget control; hence, the responses noted in Table 8.2 include the researcher's interpretation of the interviewees' responses. Although every attempt has been made to properly categorise the interviewees' positions the interpretations might not always replicate the interviewees' exact intent.

**Table 8.2 Board Control over Police Spend**

	<b>Senior Police Officer</b>	<b>Board member</b>	<b>Convenor</b>	<b>Senior Police Executive</b>	<b>Senior Government Official</b>	<b>Total</b>
Board control – Partial or through negotiation	<b>7</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>16</b>
Little control over spend	<b>1</b>	<b>5</b>	<b>1</b>	<b>1</b>		<b>8</b>
Board control- Full or strong		<b>3</b>	<b>2</b>	<b>1</b>		<b>6</b>
Control through scrutiny after spend	<b>1</b>	<b>1</b>				<b>2</b>

(Source: Interviewees' responses)

There were 32 interviews where the interviewee inferred a level of Board control over the police spend or the researcher was able to interpret a level from the response. As can be seen from Table 8.2, above, the main response indicated by half of the interviewees was that the Police Board had partial control or control through negotiation. The other half of the interviewees were divided between full control, control through scrutiny after spend and little control. It was, perhaps, surprising to find that only two of the 32 indicated that the Board had control through scrutiny after the spend. An additional point of interest was that there were no senior police officers who felt that the Police Board had full or strong control over the police spend.

### **8.3. Performance Monitoring**

Interviewees were asked their thoughts regarding the main ways the Board monitored the performance of the police Force. Most interviewees reported that their Board monitored the performance of their police Force through reports and statistics presented by the police service itself with Board members questioning where needed. The statistics that interviewees indicated were presented to the Board included, but were not limited to, crime figures, road accident statistics, information on police complaints and absence statistics. Several Board members suggested they found it difficult to append any value to the policing performance information provided. The

main reason given for this was that information regularly appeared to be changed in the way it was reported and, as such, caused difficulties for constructive comparison and scrutiny. In addition, it was also reported that the British Crime Survey figures, as provided by the UK Government, were also different to local figures and, therefore, did not promote clarity.

It was felt by some Board members that this method of performance scrutiny suggested that, in fact, the Board did not monitor the police Force. A selection of responses echoing this is shown in case study 8.2, below.

### Case Study 8.2

#### Board Lack of Performance Monitoring

*“We don’t... we observe the monitoring of performance which is conducted by other people,”* (Police Board member)

*“we are pretty dependant on what the police and other officers put in front of us, I think that’s the biggest weakness that we are as I said before led rather than leading.”* (Police Board member)

*“Goodness only knows I think is the bottom line.....There doesn’t appear to me to be a great deal of interest on the part of general Authority members on performance”* (senior police officer)

Although aware that certain performance issues may be debated by Board members at sub-committee level the senior police officer in case study 8.2 above questioned the will of the full Board to scrutinise performance.

A Police Board member commented further on performance measurement indicating that they felt that there was no *“absolute yardstick”* by which performance could be measured. There was a feeling that in Scotland comparison, for example, to other police Forces, was difficult due to differing police Force sizes and geographical areas. Perhaps a philosophical suggestion by a Board member who proposed if you compared performance to historical crime levels within a Force, you were comparing the performance of the criminal and not the police Force, the interviewee argued that policing would only be seen as successful if there was a zero crime rate.

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Another question regarding performance measurement put forward by an interviewee was that it did not necessarily reflect what the public required. An example given by the interviewee was that crime was generally at a long time low level but the fear of crime had increased. The interviewee put forward that gauging the effectiveness of policing was a conundrum difficult to solve: where the police were both being successful and unsuccessful at the same time.

Another Board member added that they felt there was also competing issues with performance figures that might cause confusion with scrutiny. The Board member suggested that there were, perhaps, too many areas of performance measurements. In their own Board they had regular reports for Force wide performance as well as divisional performance reports. There were also measurements of performance against the Scottish Police Performance Framework as well as measurement of performance for the Single Outcome Agreements for each Council in the police Force area. Even with all this performance measurement the Police Board member pointed out that it still did not tell them what police officers were actually doing. As another Board member suggested, it was fine obtaining a lot of information but they felt that what they actually wanted to know was not understood or agreed by members.

Not all Board members gave the impression that the performance monitoring they were presented with was of limited value. Some Board members were satisfied that they would be able to ensure that the performance information provided would be sufficiently scrutinised to ensure best value for money. As a Board member reported, perhaps a little tongue in cheek, if they (the Board) are not happy with a performance report the officer presenting "*will be put against the wall and grilled*". A few Board members from one Force highlighted the clarity of their own system where improvements or decreases in figures were colour coded to make areas that they needed to concentrate on easily understood and identified.

A method that Board members indicated that they felt was successful in monitoring the performance was through their interaction with the community as Councillors and the feedback from Community Councils and the public in general. This, it was

suggested, helped provide an idea of what the public perception was of how their police Force was performing. This was also echoed by a senior police officer who stated that it was not just about numbers, and questioned in addition to the police reporting statistics were they responding to the public?

*“an equally important part of the picture is what’s our public telling us about the service we’re providing, is it good, bad is it getting better, are there bits over here we need to do differently, are we listening to the public in terms of how they want us to deliver policing?”* (senior police officer)

A senior police executive suggested that to properly monitor policing there were other areas that could be added to report on policing activity, specifically additional areas not currently reported which were covered by the Scottish Policing Performance Framework. The interviewee was of the impression that, as put forward by a respondent in case study 8.2, the Board did not monitor performance but observed the monitoring of performance conducted by others, generally the police. Interviewees were, therefore, asked if they thought it was appropriate that the police Force produces its own performance figures. The responses to this question were generally spread equally throughout one of the following three categories.

- The interviewee felt that there was no other way to cost-effectively produce the figures.
- The interviewee felt that the Board should, perhaps, produce the figures but the resources to do so were not available and that, perhaps, confidentiality might provide a barrier to information gathering.
- The interviewee was satisfied with the way the figures were produced and felt that overview from Audit Scotland, HMICS and the Scottish Government ensured the figures were accurate.

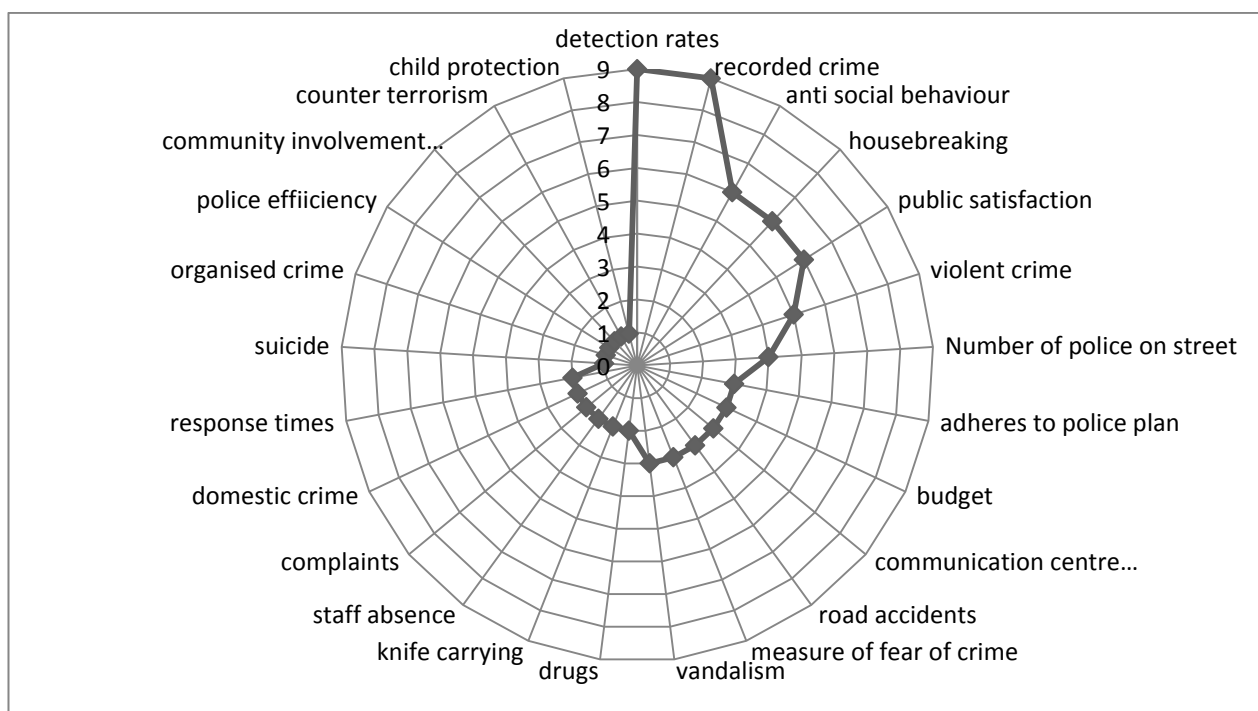
As mentioned above, at the time of the interviews the crime level was at a long time low and the researcher found it interesting to be told proudly by Board members from most Boards that they saw this as an example that their own police service was one of the best performing in Scotland.

### **8.3.1. Policing Priorities and Key Performance Indicators**

One of the methods used by police Forces and other organisations to overview and scrutinise performance was through the production of Key Performance Indicators (KPIs). In order to establish the effectiveness of KPIs interviewees were asked what they considered to be the KPIs and policing priorities for their Force.

In general, interviewees did not provide a national or Force specific response but appeared to give their opinion from their own experience. Although the interviewees' responses were undoubtedly informed from local, Force and national input a variety of responses were given as to what was considered as policing priorities.

In total 35 interviewees mentioned one or more item that they felt was a KPI. This produced 25 items deemed by interviewees to be KPIs and the results are shown in Figure 8.1. The radar chart shows the responses given by interviewees as to what they thought were the KPIs for their police Force. The KPIs located furthest from the centre of the radar map were reported by the most interviewees whilst KPIs at the centre were responses from the fewest interviewees. The line following from the KPI leads to the number of responses for that KPI.

**Figure 8.1** Interviewees' Perceptions on KPIs

(Source: Interviewee responses)

As can be seen from the radar chart, reviewing clockwise from the 12 o'clock position the main responses mentioned by interviewees were detection rates and recorded crime with nine interviewees mentioning each. This was followed by anti-social behaviour, housebreaking and public satisfaction each being referred to by six interviewees. The response rate continues to decrease until reaching responses mentioned least by only one interviewee. The single responses can be seen near to the centre of the radar chart in the 9 o'clock to 12 o'clock positions of Figure 8.1. These include responses from suicide to child protection. It was also acknowledged by some respondents that the list of performance indicators was not fixed and could be added to by emerging themes. An example of a new theme given by some interviewees from the same Force was that of communication centre satisfaction.

It was also mentioned by a Police Board member that they thought that KPIs were often quite meaningless as, in general, many of them were relating to incidents that did not affect general members of the public.



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A senior police officer indicated that, in their opinion, it was interesting that there had been a change in priorities and that Divisional performance could be seen as more important than Force performance. This was seen by the senior police officer as due to SOAs and the responsibility on the police to help to deliver all the outcomes to the public and not just policing outcomes.

*“it’s not about inputs or even outputs, but what the outcomes are for the communities that you are serving.”* (senior police officer)

This led the senior police officer to indicate that, in their own opinion, if they were pushed to pick one of the many priorities then it would be public satisfaction. It was not only crime priorities for policing that concerned interviewees. A Board member also picked up on the community well-being priority and suggested that since suicides were around 14 times more prevalent than murders perhaps the police should be involved in that.

It was interesting to note that responses from interviewees were varied and that many did not mention their own Force’s KPIs or the national KPIs specifically. In some cases, as was apparent from senior police officer responses, they were happy to give their own thoughts on the matter. On the other hand, most notably from some Board members, although there was an awareness of what they thought were policing priorities in their police area, the full list of KPIs was not immediately known. As one Board member explained:

*“I’ve got them in a little booklet in my desk, these particular indicators then really those are crucial to the performance of the Force as a whole but I confess I do not keep them in my head and I’d be hard put to number any of them at the moment.”*

Part of the limited regurgitation of KPIs and other priorities can be explained by the number of priorities that are manufactured. Taking Strathclyde as an example there were 12 Councils with 12 Single Outcome Agreements to be considered. There was also the Scottish Policing Performance Framework as well as Force priorities and

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Force statistics amongst other indicators to be considered by members and other stakeholders. One Board member referred to this cornucopia of information and priorities as *“death by statistics”*.

Some interviewees, however, were of the opinion that the police Force was well aware of the priorities and as a senior police officer commented was *“in good health”* around the issue. The interviewee backed this up by adding that the Force was concentrating on *“clear messaging”* to ensure that everyone was aware of and understood the vision of the Force. An example of one of the ways that the message was delivered was through ensuring priorities are widely available and easily accessible, such as on the internet and on screensavers on Force computers, of course this would not necessarily inform Police Board members.

Although interviewees were not asked to specifically comment on the Policing Performance Framework a few did comment on what they thought of it. Responses, in general, were not too complimentary ranging from *“it lacks focus”* to it being a *“nonentity”*:

*“I think there’s a lack of focus on the Police Performance Framework because it covers everything rather than thinking about well what are the key things that we as a Board want to actually look at and really get to grips with.”* (Police Board member)

And:

*“from this Force’s perspective the Scottish Police Performance Framework is just a nonentity. What we are interested in is internal performance, holding Divisional Commanders to account for you know how safe they can keep people within their communities, that’s, what it’s about for us.”* (senior police officer)

On the other hand a senior police officer from a different Force to the above interviewee had a differing view of the performance framework and felt that the new

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Performance Framework which had just being brought in<sup>83</sup> and included police productivity, efficiency, community engagement and visibility as well as public satisfaction was *“really important stuff”*.

Some interviewees also expanded their response to include their thoughts on what the role of the police actually was and what the role of Local Authorities was, especially in regards to anti-social behaviour. It was voiced that there was often ambiguity in what the actual job police officers should be doing. This was also suggested, by a Police Board member, to be seen as even more confusing to the public when the Local Authority also employed Community Safety Officers and was:

*“sending guys out with wee yellow jackets on and hats that look suspiciously like police hats and ask them to perform duties that are suspiciously like police duties.”* (Police Board member)

It was also suggested by several interviewees that most of the performance figures that were used were unfair on the police, as many of the items measured could be deemed the result of an amalgam of services rather than only the police. A regular example given in this suggestion was that it was unfair that the police should be responsible for reducing road accidents.

Interviewees were asked what role the Board played in the development of performance indicator figures. Although some interviewees felt their Board instigated a number of KPIs the general response was that the Board was quite passive and agreed to the things set out by others such as SOAs and the SPPF. There was, however, an acknowledgement from some interviewees that their Board had started to look at the role they played in the setting of priorities. As mentioned previously this is another area where it appeared that Police Boards were learning and adapting to changing requirements.

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<sup>83</sup> May 2011.

**8.3.2. Priorities: National versus Local**

Interviewees' comments on policing priorities and the SPPF mentioned both local and national priorities. Some interviewees went further with their replies and commented on what they thought were perhaps conflicts between national and local priorities. There were numerous responses which indicated that some interviewees, specifically Board members, were more committed to local priorities than national. The Board members' priorities were, in general, suggested as not to their police Force area but to their Local Council areas, examples from two Board members are reproduced below:

*“at the end of the day I think everybody’s most interested in the policing of their own little patch. That’s what we are Councillors for, not Police Board members.”*

*“the short answer here is that members in my Board, I felt, were very suspicious of anything national when it came to priorities and the reasons why it was set up and they didn’t take responsibility for it. They took responsibility for what happens in their area that they are responsible for, they didn’t take responsibility for whatever Mr MacAskill and his team came up with.”*

This theme was repeated by the following Board members who also suggested that local priorities were their Boards' policing priorities; however, it was also acknowledged that national priorities had to be included in policing priorities:

*“I do understand the national priorities but you focus on the national priorities to your detriment because the impact is felt locally and therefore you have to put as much attention to your local priorities.”*

And:

*“I don’t think we have any options but to include them (national priorities). In fact I know we don’t.”*

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Generally national priorities, such as national security, were accepted as important but there were other aspects that were questioned by some. The distribution of assets seized from drugs dealers was mentioned by a Board member who was concerned that their Force area was responsible for a large amount of seizures but were allocated a small share of “*the pot*” due to the nature of the allocation percentage formulae. There was a feeling from many Board members that unless they were a senior Board member and had direct involvement in the implementation of a national priority they would have had no say in it. A few Board members, nonetheless, felt that although a matter was a national priority they, as Police Board members, should still have had a say in the formulation of the policy, which they suggested they did not have or were not aware of having. Another problem put forward in respect of national priorities was that they did not always match the interviewees’ police Force areas’ problems. An example given by a senior police officer in a small police Force area was that of violence reduction which, although perhaps a problem in a large urban city, was not reflected in the crimes in their own police area.

A Police Board member added that public perception of crime meant that it was important to ensure priorities were kept local to deal with specific challenges in specific areas. The interviewee gave the example that one out of the ordinary serious crime such as an old lady mugged on the way to the local shops can stay in the psyche of that community for a long time.

*“It is very important to keep it local and the results local because public perception is a difficult one to deal with.”* (Police Board member)

A senior police executive added that it was all very well setting and reacting to priorities, but when the priorities are being effectively dealt with as they have been with the reduction in crime and increase in detections there should be more done to highlight these successes. The interviewee felt that Board members were frustrated that the successes were not getting across to the public and that when it came to illuminating successes they blamed the police, who, were “*not shouting loud enough*”.

## **8.4. Board Role in Performance Reporting**

The Boards' role in performance reporting is further considered and includes an overview of public performance reporting, strategic direction, monitoring strategic direction and risks and threats to policing.

### **8.4.1. Public Performance Reporting**

The Police (Scotland) Act 1967 s15(1) set out the obligation of the Chief Constable to submit an annual report to their Police Authority as regards the policing of the preceding 12 months. Sec 13 and 14 of the Local Government in Scotland Act 2003 also put the onus on the Police Board the duty to have made arrangements for reporting the outcome of the performance of its functions to the public.

In the overview of policing annual public performance reports there was an impression that the police presented the report and other than append a forward from the Convenor there was little other input from the Police Board. Hence, interviewees were asked what role, if any, they thought the Board played in the development of the Force's public performance reporting.

In general, there was an acknowledgement from interviewees that there was little involvement from the Board in the development of the public performance report. It would appear that, overall, there was not a great awareness of the annual report from many Board members. A few Board members admitted that they did not know what involvement the Board had whilst some members confused the annual performance report with the strategic policing plan. Where the Board member was aware of an overview of the annual policing report it was reported that the overview was, largely, completed in sub-committees and then reported to the full Board.

The apparent lack of Police Board involvement in the annual review was suggested as not only a result of lack of drive from the Police Board but, possibly also, from lack of understanding by Board members or resistance to change from the police. However, it

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was suggested that this lack of understanding was not simply restricted to the Police Board members, but is also found in the public and their lack of understanding of the Police Board itself as indicated by a senior police officer below. This lack of public understanding of Police Boards is confirmed by Docking (2003) and Ipsos MORI (2010).

*“if you asked even quite intelligent and well-read people in the community I don’t think they would be able to articulate very clearly what the Board is and what it does as opposed to what either the Council does or the police Force does. I think that matters.”* (senior police officer)

Lack of Police Board involvement in the annual report, though, was not reported by all interviewees. Some indicated that although not necessarily viewed by them personally they felt overview from others at sub-committee before the final document was presented to the Board was sufficient to allow good scrutiny by the full Board. It was also suggested by a Board member that the reporting to the community was accomplished by the fact that the Police Board meetings and the papers from them were available to the public.

Examples of thoughts illustrating the above comments by interviewees, showing the Boards’ lack of involvement in public performance reporting, are shown in case study 8.3. There is of course a caveat to the responses; there was an acknowledgement from some Board members that there was an improvement over the life of the Board.

### Case Study 8.3

#### Lack of Board Involvement in Public Performance Reporting

*“The truth of it is that we reach the end of the year, it’s the Chief’s document, it is compiled and it’s put as a paper where they ask not really very many questions but it’s a fait-accompli at that stage to say well okay we endorse and that’s it and that’s now a matter of public record.” (senior police officer)*

*“I think what you would find is there was a lot of resistance in the Force to that (refers to Board involvement) because I don’t think it was out of any intentional conflict I think it was just basically not quite understanding the role of the Police Authority and everything in the police Force is set up around the Chief’s office” (Police Board member)*

*“Well in a sense that performance report is a historic reflection of how you’ve done so whether the Board plays a role in it at that stage or not is largely irrelevant.” (senior police officer)*

*“if you asked even quite intelligent and well-read people in the community I don’t think they would be able to articulate very clearly what the Board is and what it does as opposed to what either the Council does or the police Force and do I think that matters?” (senior police officer)*

*“Well the Board sees it, it doesn’t really approve it, usually there’s a foreword from the Chair of the Police Board in it. In terms of the role of it there’s very little that the Board does on it, the Board probably should do something on it and probably should actually be a Police Board report rather than a police report or either that there should be a separate one or something along those lines where the Police Board as the people who are supposed to be holding the police to account, report back in terms of what the police are doing and how well they are doing in a kind of independent way” (Police Board member)*

It was recognised by interviewees that the Police Board did obtain the police performance figures throughout the year at Police Board meetings. However, other than perhaps minimal discussion of police performance at Board meetings, there was little indication in scrutiny of performance throughout the year or of involvement in the production of the annual performance report. This lack of involvement was illustrated by a Police Board member who was aware of the Board’s lack of involvement but also aware that it should be involved. A senior police officer put forward a slightly different perspective on the Board’s involvement by suggesting that the Board not being involved maintained their independence. The senior police officer suggested that by becoming part of the team that make up the policing performance report the Board might be seen by the public to be foregoing a scrutiny role. Should the report be incorrect then the Board may have been found “*guilty by association*”.



In addition to the lack of the Boards' involvement in reporting on the performance of the police there was no indication of the Police Board examining or reporting to the public on its own performance. Huse (2005) indicates for corporate bodies that it is essential that the activities of the executives are monitored. This should also be appropriate for Police Boards to ensure accountability and transparency.

### **8.4.2. Strategic Direction**

Performance monitoring, as above, is generally an overview or measurement of something that has already occurred, whereas the strategic direction looks more towards forward planning and has become essential to modern policing. Interviewees were asked what involvement they saw the Board having in setting the Force strategic direction.

There was a general indication from interviews that they thought there was a lack of involvement in strategic planning from Board members. Many were aware at that time that Police Authorities in England took a greater part in setting strategy for their police Forces. This was particularly noticed from most, but not all, senior police officers. One senior officer commented that since the Board could "*refresh itself*" with new members on election, or otherwise, there was a lack of understanding from some over the organisational knowledge of policing. This made it difficult for them to properly engage in forward planning. The interviewee also suggested that, in their opinion, Board members tended to concentrate on what affected them locally and not see the bigger strategic picture.

There was a feeling from a few Board members that there were a number of strategic priorities that the Board were not able to become involved in as "*they came from above*", which was a reference to national priorities. A Board member also suggested that the Chief Constable's control of operational matters meant Board members often felt conflicted on what they could put forward in strategic terms and, consequently, there seemed reluctance from Board members to become involved in the strategic direction. On the other hand, in the opinion of a senior police officer the Police Board

input was welcomed and should have been as early as possible when the plan was being formulated. The lack of Board involvement in strategy is further indicated by the same senior officer in case study 8.4, below, who went on to indicate that the police would still set the strategy. It was also suggested by another senior police officer, also shown in case study 8.4, that the police managed the priorities and reports but if the Board had wanted to add an item then they could do so but it would likely be a low priority item.

#### **Case study 8.4**

##### **Lack of Board Involvement in Policing Strategic Direction**

*“the previous Chief Constable was like that as well, this kind of “well this is the strategy that I want set and you will do as I say basically” and the Police Boards I think have a tendency to acquiesce to that and it does it too readily and it doesn’t challenge it and it doesn’t make other suggestions, it just acquiesces”.* (Police Board member)

*“They’re there to give views but ultimately the police will set that strategy at that level.”*  
(senior police officer)

*“The Board doesn’t really have an awful lot of say in that kind of stuff. If the Board was to say we want you to look at something entirely different then it might be slipped in as a low priority right at the back but there would have to be a really compelling reason for it.”* (senior police officer)

Another senior police officer commented that the Board took part in the strategic direction through the appointment of the Chief Constable. At appointment the Board had the opportunity to choose the Chief Constable demonstrating the strategic direction in which the Police Board wished the policing in the area to progress. Of course, a caveat to this is that the opportunity would only have arisen, perhaps, once every four to seven years and may not actually have been available during the life of a particular Board.

The thoughts of the senior police officer were also echoed by the member of a different Police Board:

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*“I think that while recruiting the Chief Constable is probably the most important thing that a Police Board can do in terms of setting the direction for the next five, six years depending on how long a Chief Constable lasts*

Not all areas that were suggested by interviewees as strategic influence by the Board were agreed or could be readily measured for effect. For example, a Convenor suggested that there was an involvement in the strategic direction of the Force through his regular liaison with the Chief Constable. Another Board member felt that strategic priorities were the aspects of policing that were on a national level such as terrorism and that the Boards had influence over the strategy through areas such as the Conveners Forum and the Scottish Policing Board.

There were some areas where it was suggested that the Police Board had an effect on policing strategies. In particular, some Board members and a senior police officer suggested that their Board was able to influence strategy through a regular seminar where Board members discussed strategy with senior officers.

When Board members, and indeed senior police officers, made a comment on what their thoughts were on strategic priorities there was invariably a reference to local and community policing. Senior police officers often indicated that their community strategy was, in part, the reason they were appointed by the Police Board. There was also the suggestion from most interviewees that the Police Board should have been moving towards more involvement in the setting of local policing strategy. As mentioned above, community strategy was seen as important and as a senior police officer said below should be given more priority in the future:

*“In the future, absolutely central and they should be from the community champion piece. So whatever strategy, I see the Board/Authority members being fundamental to: they are the community champion on whatever planning committee we have.”*

As indicated above the general impression, although not unanimous, was that there was little direct influence from the Board in regards to the strategic direction of the Force. This was also found by HMICS in their Best Value reviews of the Police Boards (2009-2012). However, as indicated in previous sections of this report, there is the caveat from some interviewees that they had noticed an improvement and an increase in the Police Board's influence over the life of their Board.

### **8.4.3. Monitoring Strategic Performance**

Policing performance, as discussed earlier in this chapter, is generally a historical report on what has already happened. However, strategic performance can be seen as more forward planning as putting in place a strategy for the future which can often be over a number of years and can change as circumstances develop. Hence, interviewees were asked how effective they thought the Board was at monitoring the Force's performance with regards to strategic priorities.

How to go about the measuring of priorities is, perhaps, the first challenge to look at. As a senior police officer suggested, some priorities are not necessarily immediately open to setting targets. An example given is that it would be rather perverse to say as a police Force that they set targets for people murdered, or killed on the road and, consequently, there can be issues with the presentation of the results of strategic priorities.

A Board member also suggested that it was often difficult to quantify strategy successes by the Board as they were sometimes looking at long term projects which they were not initially involved in, or perhaps would finish after the tenure of the Board. Of course, to analyse the performance of a strategic priority the Board members would first have had to be aware of what the strategies were. As indicated above, a large proportion of Board members were, perhaps, not comfortable with their knowledge of strategic priorities. As one Board member suggested below, Board members may not even be able to recognise a strategic priority.

*“I don’t think there are too many of us who would recognise first time round as a strategic priority as to monitor these who knows.”*

A Convenor also suggested that it would have been difficult to monitor the strategic direction as the Board was, in a sense, not engaged in it. The interviewee explained that this was because the Scottish Government was ultimately setting the strategic direction with the Chief Constable.

A Convenor from another Police Board indicated that they had anecdotal evidence of strategic performance monitoring. Their police Force had included anti-social behaviour high on their list of priorities. The Convenor was aware that anti-social behaviour in their own constituency had fewer complaints from their constituents than years previous. The Convenor admitted that this measurement was perhaps not as scientific as it could be and suggested that obtaining more research support might have helped in this respect. Additional support was also a factor mentioned by senior Force executives to assist with gathering and analysis of data to enable strategic performance analysis.

There appeared to be some lack of knowledge by some interviewees, particularly Board members, as to what strategic priorities actually were. The overriding feeling the researcher was left with from interviewees was that they saw strategic priorities as what the public demanded. As a senior police executive said, rather than strategic plans it was more about *“demand management and how we respond to demand”*. As suggested above, analysis of demand management may require qualitative analysis and not the usual quantitative analysis provided by police Forces. It was suggested that this data could have been achieved by public consultation, SOA engagement, Local Authority engagement or police divisional engagement.

#### **8.4.4. Risks and Threats to Policing**

At the start of the research risks and threats to policing was an item that the researcher rarely saw discussed by Police Boards. During this project the researcher saw a rise in

the awareness of risks and threats to Policing with some Police Boards appearing to see risks and threats to policing as a priority. Interviewees were, therefore, asked if they thought the Board had sufficient understanding of the risks and threats to policing in their Force area to enable strategic planning.

There was a varied response from interviewees, a few felt their Board did have an understanding whilst most were of the opinion that they did not understand or did not have the time to look at specific risks. However, a few members of one Board did indicate that their understanding of risk had improved from a police presentation about the police risk register. Some interviewees felt that the Board had a partial understanding, whilst others answered the question in respect of risks to safety of individual police officers rather than strategy, as indicated by the response from a Board member:

*“Well I don’t see where they’re putting themselves in danger unless of course there’s a firearms incident.”*

A Board member was of the opinion that one of the risks that should have been considered should be the risk of the policing function being compromised. It was suggested this occurred by the Local Authorities taking on the roles that could be construed as policing roles. The Board member saw this as a risk that the Local Authority would receive Central Government money for things that should be policing issues.

The awareness of Board members of risks to policing strategy was not always clear, and interviewees from the same Board had differing opinions. In one Board there was an indication from two senior police officers that they were aware of Board members’ lack of full understanding of the risks to policing. Although they saw some members with an interest who were able to understand the subject, it was indicated by these senior police officers that Board members had only a vague understanding of risk. However, in contrast, a senior police executive and another senior police officer from the same Force felt that the members of their Board were very aware of the risks to

policing. In a different response a senior police officer from another Force indicated that Board members were aware, but to a lesser extent than the police were. Overall the feeling of awareness of policing strategic risk was exemplified by a Board member who replied:

*“Yes in a general way but not specific.”*

### **8.5. Complaints against the Police**

The Police Board was required to remain aware of the way that complaints against the police were dealt with by the Chief Constable. Hence, interviewees were asked If they thought the Board got enough information on issues relating to how the Chief Constable dealt with complaints made by members of the public about Police officers? Over half of interviewees gave a response to this question and most interviewees were positive about the way complaints were handled and scrutinised. Board members were satisfied that they had full access to all areas of the police complaint and that they would obtain all the assistance they required from the police. The Board members involved in complaints indicated that they would have access to all complaints made against the police, would randomly dip sample a number of complaints and scrutinise in depth how each of the sample of complaints were being dealt with. A senior police officer indicated that in their opinion the Police Board dealt very effectively with police complaints:

*“the Board is aware of its responsibility to oversee complaints and they do that very thoroughly.”*

Some interviewees also pointed out that although they were satisfied with the way complaints against the police were handled there was also a further appeal process through the Police Complaints Commissioner for Scotland.

There were very few concerns raised about how police complaints were handled although one Police Board member did point out that although technically held in

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public the police complaints meetings were held behind closed doors at their police Force headquarters rather than at a Local Authority office. Another Board member from a different Force also mentioned their complaints sub-committee meeting held at their Force headquarters but indicated that it would not have been held in public at a Local Authority office anyway “*because of the shared nature of it*”. Whilst another Board member at a different Board thought that public airing of complaints would not have allowed them to dip into live complaints because of confidentiality concerns. Another concern raised, although not seen as a problem by most, was that the complaints were dealt with at sub-committee with the full Board having no say and only receiving a summary of complaints dealt with by the sub-committee.

### **8.6. Discussion**

Chapter 8 looked at the interviewees’ perceptions on how the Police Board engaged with the policing budget, police performance, strategic direction and police complaints. These topics are discussed further below.

The Board had a duty of scrutiny and this chapter has indicated some of the main areas that required scrutiny. There are many bodies which have been identified in this report which scrutinise policing, such as HMICS and the Audit Commission. Jones (2008) is of the opinion that this external accountability only works if the internal governance is effective. As such, Chapter 8 looked specifically at Police Board governance. Scott (2011) and a senior police officer in Chapter 7 suggest although there has recently been increase in such scrutiny it was not necessarily a bad thing.

Audit Scotland (2010) indicates a checklist for non-executive board members which included the question: *Does the financial and performance information I receive as a board member tell me how the organisation is performing?* Hence, interviewees were asked what control they thought the Board had over the police budget and performance. Without a budget the police would be unable to do their job. Interviewees were, therefore, asked what they saw as the priorities for setting the police budget. Responses from Police Board members suggested that the Police Board



had little control over the police budget. It was generally only Conveners and senior police officers that were of the opinion that there was any Board control over the budget which was, in general, indicated as through the budget negotiation with the Local Authority. The Scottish Government consultation (2011) related mainly to the consolidation of a single funding stream provided by the Scottish Government. This was not specifically commented upon in this report and, therefore, no comparison on budget funding is made. However, it is noted that the consensus of most interviewees in this thesis, as per the Scottish Government consultation, was that there should be transparency and an accountable framework for funding.

When it came to interviewees' thoughts on the priorities of the budget there was no consensus. 17 priority themes were put forward by interviewees with the leading theme only mentioned by one third of interviewees. The top three budget themes given by interviewees were police numbers followed by community engagement and to allow the Chief Constable to do their job.

Interviewees were asked what control the Police Board had over the budget; again there was no consensus. Most interviewees suggested that the Board would and could act where it was legitimate to do so. There was also a suggestion that the Board had little involvement with less than one fifth of respondents indicating they thought the Board had full control over the police spend. One of the main reasons suggested for the limited Board involvement was that due to the bulk of the policing budget being spent on wages, there was little wriggle room for the Chief Constable to otherwise spend the budget. One of the characteristics of good governance indicated by HMIC (2010) was: *Distinctive value for money challenge*. There appeared to be little indication that the Boards were effective in this challenge.

Tricker (2009) indicates questions that he puts at the hub of board assessment to include; *How effectively does the board monitor company performance?* (Appendix K). Reports and statistics presented by the police were the main ways that interviewees said the Board monitored the performance of the police. Jones (2008) points out that a crucial part to improve the provision of policing has been the need for

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information on its services. However, the wrong type of information - or too much - is unhelpful. Jones indicates that performance information is necessary; however, interviewees suggested that policing performance information does not answer the needs of all those who monitor policing including police managers, Authority/Board members and the public. Jones also warns of the “*unhelpful political*” use that can be made of performance measurements.

In general the Board members were satisfied with the information provided and indicated that where they were not satisfied they could always have asked for more information. The main concerns regarding the performance information included the benchmark that it was measured against and whether the measurement related to the concerns of the public. As mentioned in Chapter 7 there was a concern regarding the police in essence providing the information to evaluate themselves. However, overall, interviewees were content with the police providing the performance information and were happy with the performance of their own Force.

The key performance indicators given by interviewees appeared to be their own idea of what the key performance indicators were, with 35 interviewees mentioning 25 different KPIs. The main two repeated responses were recorded crime and detection rates which were both given by nine of the 25 interviewees. The variety of responses given could partially be explained by the interviewees’ own thoughts and the large number of priorities that were manufactured through local SOAs, SPPF, Force priorities and national priorities.

There was a suggestion from some interviewees that Board members were perhaps more interested in local ward priorities rather than national priorities. This is, perhaps, explained by McFadden (2008) who points out that the overriding duty of the Councillor is to the whole local community, in general, and in particular to their constituents. It was also suggested by a Board member that Boards were frustrated that good performance was not being highlighted enough to the public by the police. The Police (Scotland) Act 1967 Sec 15(1) provided that it was the duty of the Police Board to make arrangement for reporting performance. However, there was little

indication that the Board was involved with the development of the police public performance report. In general public performance reporting appeared left to the police with, perhaps, a foreword by the Convenor. It was suggested that reasons for the lack of involvement was not only because of lack of Board impetus but also perhaps a resistance to change from the police. In addition, there was no indication from minutes or interviewees of the Board reporting on the outcome of the performance of its own functions to the public as prescribed by Sec 13 and 14 of the Local Government in Scotland Act 2003.

There also appeared to have been a lack of Board involvement in the strategic direction of the Force. There were several reasons suggested by interviewees for this lack of involvement. Some of the reasons included a lack of Board members' enthusiasm with national priorities as well as the Boards' acquiescence to the priorities of the Chief Constable. These reasons can perhaps be explained through the comments on the priority of Councillors' local obligations from McFadden (2008) and the lack of Board members' commitment to their Board duties indicated by Lustgarten (1986). It was further suggested by interviewees that measurement of strategic priorities was difficult as the priority was often subjective. The lack of strategic direction was also an aspect that HMICS Best Value reviews of Police Boards (2009-2012) suggested Boards had little involvement in. There was also an indication from interviewees that there was still a majority of Board members who were not aware of the risks and threats to policing. However, it was suggested by interviewees that the Boards' understanding of risks and threats to policing had increased over the past few years.

Jones et al (1994) looking at Authorities in England and Wales put forward that the impetus for change over important policy issues came from sources out-with the Police Authority. Jones also found diversity amongst the Authorities' influence over policy. Some members of Police Boards in Scotland indicated the nature of the Board profile itself was, on occasions, why the Board might not meet its governance expectations. This thesis found that there was no consensus between members of the same Board as to whether the Board met its expectations.

Overall, there was a lack of consensus from interviewees both within and between Boards as to what the main priorities were with regards to budget, performance, KPIs and strategy. This lack of focus on key priorities is one of the characteristics indicated by HMIC (2010) as associated with poor governance. On the other hand, most interviewees were positive over the way that complaints against the police were dealt with and had few concerns other than a suggestion that there should, perhaps, be more public involvement and transparency.

**8.7. Key Research Findings: Perceptions on Budget, Performance and Complaints**

- Responses from Police Board members suggested that the Police Board had little control over the police budget.
- There was little consensus on interviewees' budget priorities. The top three budget themes given by interviewees were police numbers, community engagement and to allow the Chief Constable to do their job.
- In general Board members were content with the police providing performance information for policing, and happy with the performance of their own Force.
- The Board appeared to have little involvement in the public reporting of police performance or, indeed, reporting on the performance of the Police Board to the public.
- There was little consensus from interviewees as to what the main KPIs were for their Force or, indeed, for policing.
- Interviewees indicated a lack of involvement by Board members in the strategic direction of their Force.

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- There was an indication from Board members that their Board was not aware of the risks and threats to policing.
- Most interviewees were satisfied with the way that police complaints were handled although, perhaps, there could be greater transparency.

## **Chapter 9**

### **Perceptions on Stakeholder Interaction**

#### **9.1. Introduction**

Chapter 9 continues the analysis of Police Board and stakeholder interviews and explores the interviewees' perceptions on the interaction of the Police Board with other stakeholders. In particular, this chapter looks to gain an insight on the relationship the Police Board had with the tripartite partners, including the Chief Constable (9.2.) and The Scottish Government (9.3.). In addition, the chapter looks at the interaction of the Board with the community (9.4.), HMICS, Scottish Policing Board, Scottish Police Authority Conveners Forum and the SPSA (9.5.). The chapter then concludes with a discussion of the main points raised (9.6.) before presenting the key research findings from the chapter (9.7.). The chapter will, therefore, explore Board Member and stakeholder relationships which have long been veiled. In addition to lifting the veil on the interviewees' perceptions of the tripartite system the chapter adds to Chapters 7 and 8 to furnish more information relevant to research question 3.

#### **9.2. Relationships with the Chief Constable**

The relationships between the Board and the Chief Constable, and to a lesser extent other senior officers, was key to how the Police Board influenced policing in their police Force area. Interviewees were, therefore, asked if they thought there was a good working relationship between the Board/Convenor and senior police officers.

A senior police officer put forward that the relationship between the Board, the Convenor and the Chief Constable was very important. The senior police officer suggested there was a lack of formality on the Boards with many issues either dealt with in sub-committees or informally and, hence, may not always work.

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There were reports from some interviewees that there could occasionally have been tension between the Convenor and senior officers. Although this was not necessarily conducive to a smooth Board/police relationship there was no indication from any interviewee that the relationship was adverse to Police Board business. Where there was indication of tension reported the main causes were given as the Conveners previous policing knowledge or the perceived arrogance of the Chief Constable. A Board member, although reporting arrogance of the Chief Constable as a cause of tension, indicated that they thought arrogance was essential in policing, although perhaps an obstacle to accountability.

Individual personality could play a part in the relationship between senior police officers and Board members, but as a police senior executive suggested:

*“There are certain members that you don’t necessarily like or dislike, it’s like you are colleagues but you work with them.”*

Members of the same Board often reported different interactions with senior police officers; one Board member felt their Chief Constable was a little standoffish, whilst another member of the same Board said they found the same Chief Constable very approachable. Although the Board member indicated they were very happy to approach the Chief Constable they reported they would not do so out-with Board business and any approaches they made to senior officers would be on a local area issue and they did not see the need to *“bother the heid yin”*. The senior Scottish Government official felt that some Boards were too deferential to the Chief Constable and could be a little more challenging:

*“the Boards are deferential, rather than intimidating, desiring to be friends with, rather than directive, reluctant to embarrass the Chief in front of everyone. One Vice-Convenor of a big Board admitted they would never ask the Chief Constable a question at that Board unless they knew the Chief Constable had a good answer for it.....some Chief Officers have said as much to me privately – “that they just want to be my pal and come in and visit.”* (senior government official)

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A senior police officer whose impression was that the Force had a very good relationship with the Board pointed out that it helped maintain this relationship by having a senior ranked police officer appointed as a full time liaison with the Board. It was also mentioned by several senior police officers that the Board relationship was helped by the Board appointing the senior police officers. Hence, it was suggested by the senior police officer that the Board, therefore, felt involved in decisions of their appointees.

It was also suggested by several Police Board members that it might have been better to ensure that Conveners should not be ex-police officers and avoid the possibility of tension from their previous work experience. A senior police officer indicated that their relationship with the Convenor and the Board was very good. One of the reasons for this good relationship put forward was that the Chief Constable was very keen to pass information regarding policing issues early in their development and encouraged Board scrutiny of the police. A Convenor of another Police Board also indicated that they thought the relationship was very good and that they was able to contact senior officers personally should they have anything that needed discussion.

It was generally agreed amongst most interviewees that the relationship between the Chief Constable and the Convenor was very important to the working of the Police Board. Most Board members interviewed indicated that the Board and their own relationship with senior police officers were good. However, what was surprising was that several Board members had little idea of the relationship between the Convenor and the Chief Constable or senior officers. It would appear that often Conveners filtered little or none of their interactions with senior officers to the Board.

Interviewees were asked if the relationship between the Board and senior officers ensured that senior officers were aware of the standards that were expected from them. Interviewees indicated that the relationship did ensure awareness from senior officers of what was expected from them by the Board, but that this was more through sub-committees rather than the actual Board. When it came to holding the



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Chief Constable to account, Board members were, in general, of the opinion that they were able to do so. However, this was not always the case and it was put forward by a Board member that perhaps holding the Chief Constable to account depended on the Board members interest in doing so?

*“Well you’re only his boss in terms of making him keep to his budget, that’s the problem but then most members are interested in the actual policing of their areas rather than the Chief Constable sticking to his budget.”* (Police Board member)

This was expanded on by another Board member who suggested that there was a mixed view from members about challenging senior officers while maintaining a working partnership. There were, perhaps, two differing views from Board members; there were Board members who saw their job as supporting the police and others who saw their post as challenging the police.

There was an indication that the relationship between the Police Board, the Convenor and senior police officers had improved over recent years. There was also a suggestion from several Board members of rumours that in the past the Chief Constable tolerated the Police Board. Another suggestion was that in the past the Convenor and the Chief Constable would be members of the same Lodge or the same golf club and be *“as thick as thieves”* which enabled the Chief Constable to *“keep the Convenor down”*. These reports were akin to an urban legend and were not substantiated by interviewees. Interviewees, however, reported that there was now generally a mutual understanding and respect for each other and that the Chief Constable encouraged Board scrutiny.

### **9.2.1. Disagreements with the Chief Constable**

Board interactions with the Chief Constable generally seemed to run smoothly when there was a good relationship. However, that might not always have been the case

and interviewees were, therefore, asked what happened if there were disagreements, what the disagreements were about and how they were overcome, if at all.

A senior police officer indicated that they were aware of some disagreements and that party politics could play a part in disagreements. An example given by a senior police officer was the discussion over the future of policing in Scotland where the senior police officer saw Board members follow party political lines on the debate around restructuring. A comment from some Board members on the same theme of restructuring related to senior officers making public statements which the Board members felt could be political and commented/complained as such to their Chief Constable at the Board meeting. A senior officer also suggested that there could be disagreements on the philosophical direction the Force, and the Board, each wished to go in. A high profile disagreement mentioned was in regards to the deployment of Taser<sup>84</sup> which the police wanted to implement but the Board had major reservations. A senior officer felt that, often, individuals on the Police Board who held a particular position took it upon themselves to challenge on their own beliefs. The senior officer felt that the challenges on an individual's passion were not always scientifically based and could be irrational. There was also a question on this from another senior police officer as to whether the objection was from the Police Board or, in actuality, from one or two members who held a particular point of view.

Another example from a Board member was a dispute between a Chief Constable and a Chief Executive of a Local Authority regarding the control over finance. The perception of the interviewee was that this appeared to be somewhat of a power struggle and personality clash, the Board member suggested this disagreement might have been due to the Chief Executive attempting to gain some power over policing.

Another Board member indicated that, in their opinion, a conflict that had never been resolved was the discipline system. Where a police officer had been disciplined by the Chief Constable and the Chief Constable wished the officer dismissed, the officer had the right to appeal to the Police Board. The Board could have ordered the police

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<sup>84</sup> An electroshock weapon produced by Taser international (Tactical Safety Responses Ltd).

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officer re-instated and, therefore, be in conflict with the wishes of the Chief Constable. Although not aware of such a situation having arisen, the Board member was concerned regarding the possibility.

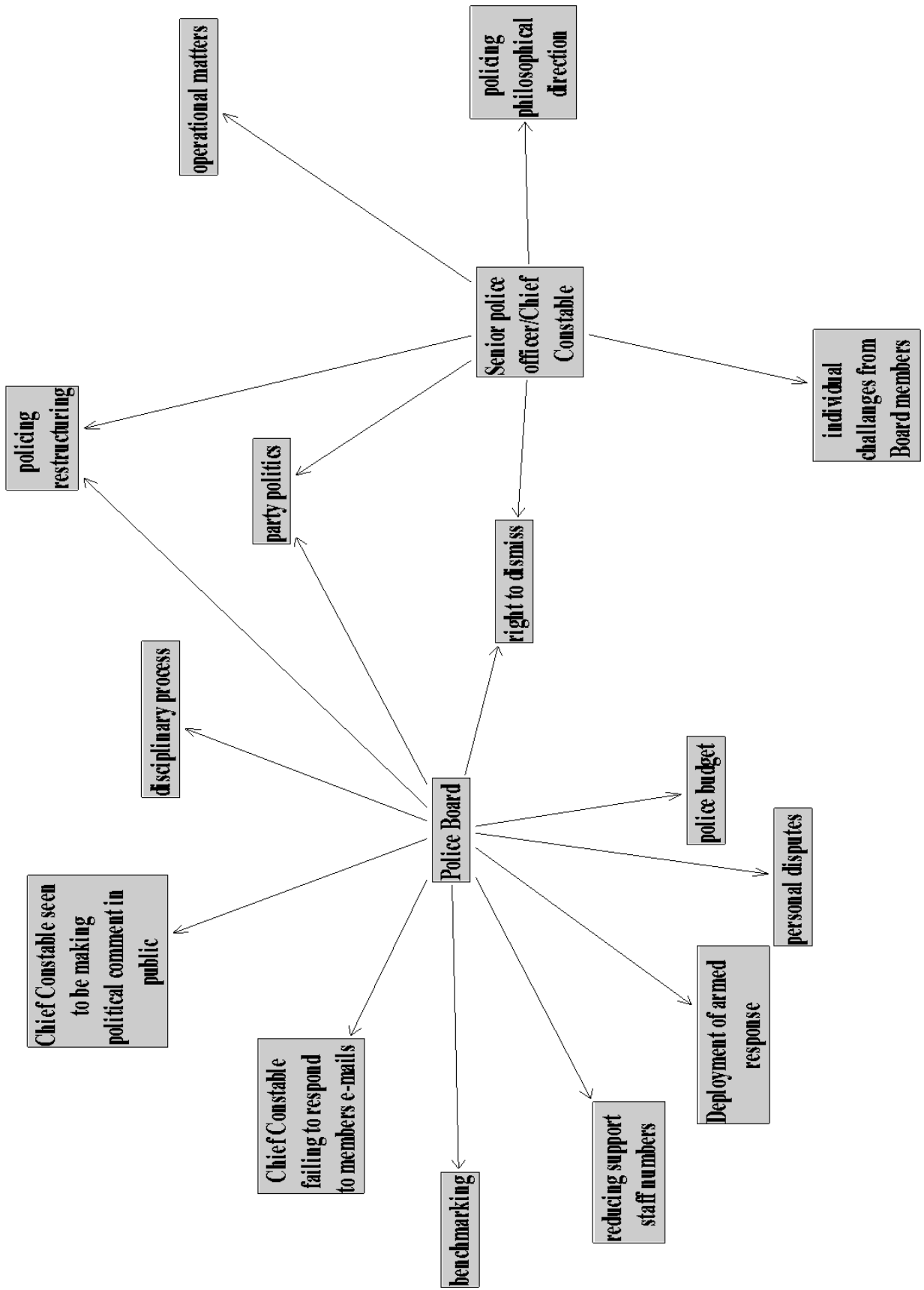
Board members from several Boards mentioned the disagreement over their Chief Constables' wish to have the power given to them to require police officers with over 30 years of police service to resign. The members of the Police Boards were against this and refused to allow the Chief Constables to do so.

On the other hand, a Board member suggested that disagreements would not have got as far as the full Board and would normally be dealt with at sub-committee or face to face between the Convenor and the Chief Constable. A reason mentioned for disagreements not going to the full Board was that the Board and the Chief Constable were both aware that the Board meetings were public and neither wished disagreements to appear in the public domain. A senior police officer, however, suggested below that disagreements were a good thing and showed that there was scrutiny in the police Force:

*“If we agreed on everything it would suggest to me that there’s something pretty weak about all of that and there’s not enough rigour in the challenging process.”*

Figure 9.1, is included for information and shows some areas where interviewees indicated disagreements between the Board and the Chief Constable. The disagreements are separated into those that were suggested by the Board members and those that were suggested by senior police officers.

Figure 9.1 Disagreements with the Chief Constable (Source: Interviewee responses)



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The disagreements that were mentioned by both Board members and senior police officers, shown in Figure 9.1, included policing restructuring, party politics and the Chief Constable's right to dismiss officers. As can be seen there were also several additional areas mentioned by Board members and senior police officers independently.

Where interviewees indicated that there were disagreements on occasions between the Board and the Chief Constable, they were then asked how these disagreements were resolved. The main ways indicated for resolving disagreements were through dialogue, negotiation and perhaps the watering down of proposals. A Board member said that if they could not have come to an agreement then they would simply have done what the police wanted. Another Board member stated that if there was a disagreement the Board would go back to the documents from which they operated to make a decision. The difficulty with this, the Board member expressed, was that in their opinion the documents were relatively poor and vague in what should happen in certain cases. A senior police executive suggested that in extreme cases of disagreement Scottish ministers could adjudicate.

A Board member commented that it was frequently difficult to overcome disagreements as the matters under disagreement were often seen as the operational responsibility of the Chief Constable. The Board member indicated that when such occasions arose the only recourse for the Board was to ask questions and raise concerns. It was also felt that there were some situations where Board members were not always clear whether the matter was operational or not, as a Board member commented regarding firearm deployment procedure:

*“whether it's appropriate for the Police Board to be making a decision on that I don't know.”*

Although some interviewees indicated that there were disagreements between the Police Board and the Chief Constable, the majority of the interviewees indicated that although there may have been some *'interesting discussions'* they were personally

unaware of any disagreements. As a senior police officer said *“It’s not the interest of the Chief or myself to put a paper to the Board for it to get thrown out”*. Several interviewees suggested that although there could be different opinions there were never disagreements, simply different visions. As a senior Board member pointed out below, Board members and the Chief Constable could have different outlooks and information on the same subject:

*“I mean I am a politician, I am looking at it from a different perspective than a Chief who is running a Force and has all the other pressures and has all the intelligence that sits behind decisions that he takes every day.”*

Since most interviewees have experience in dealing with other public bodies they were asked how the relationship between the Board and the Chief Constable compares to other organisations with which they had experience. A few interviewees indicated that the relationship was the same. However, the main feedback was that the police-Board relationship was more professional than other relationships. This was not replicated by all interviewees and a senior police officer suggested that although it appeared to them that certain Board members were committed to their Police Board work it was not the same for all Board members. A Board member indicated that, in their opinion, there was an air of deference to the Chief Constable from the Board that they did not see in any other organisation.

A senior police officer indicated that it was difficult to draw comparison with other organisations as they were on more equal terms with heads of other organisations that had a mutual interest in the public they work for. The relationship with the Police Board, on the other hand, was said to be unique. The Board were politicians and held the Chief Constable to account, so could not be equated to other organisations. A Board member also indicated that public bodies could not be compared to private money-making organisations.

### 9.3. Relationship with the Scottish Government



The Scottish Government was one of the tripartite partners and holds an important position in policing. Interviewees were, therefore, asked what kind of relationship they thought their Board had with the Scottish Government.

The Scottish Government's impact on the Board's role and function was seen by many interviewees to have been mainly through the provisions of the budget. However, several interviewees indicated a concern over the Scottish Government involvement in policing.

A senior police officer responded that it depended on what was meant by the Scottish Government. The senior police officer said that there were two elements who the police dealt with. One, the political level particularly the Justice Cabinet, and the other element was the Civil Servants in areas such as the Police Division. The senior police officer indicated that meetings with the Scottish Government such as at the Scottish Policing Board were certainly not always in agreement and suggested that discussions with the Scottish Government were not always undertaken in a democratic manner. There was an indication given that senior police officers' and Conveners' advice could have been completely overruled by Civil Servants in their advice to Ministers.

Other interviewees also indicated that on many occasions the Scottish Government appeared not interested in listening to input from the Police Boards and had made up its mind beforehand. This included advice and recommendations given to Scottish Government by both Conveners and senior police officers which appeared to be ignored. Examples given by interviewees where advice was reportedly given to the Scottish Government that was ignored included:

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- The SPSA should not have been set up as a Non-Departmental Public Body.
- Advice given at Scottish Policing Board meetings that was ignored.
- Not replacing the Chief Inspector of HMICS.
- Decision by the Scottish Government that Chief Constable and Deputy appointments can only be for three years.
- Police Force restructuring.

There was also an indication from Board members that the Scottish Government impacted on the role of the Police Board in other ways. A Convenor gave examples of Scottish Government influence on policing as including: the sustainable policing model, senior police appointments, the provision of an additional 1000 police officers, the cancellation of planned projects, HMICS, SPPF and, of course, the Single Police Service.

There was a worry from some interviewees that there could be interference from Government Ministers. Scottish Government input was seen by many interviewees as a controlling influence. A senior police officer indicated that they were of the impression that it was not an equal relationship, and the Scottish Government had more control of policing than the Police Board and the Chief Constable. Some Board members suggested that rather than the Scottish Government having an influence it was more like a dictate from on high. A senior police officer also commented on increased Government involvement:

*“I have seen a huge change in Government desire to become directly involved in the issues of policing in particular areas and I think that’s with the current administration who were the last administration as well, I think that was a change just on far more governmental - I’ll be polite and say - interest.”*



There was a suggestion from a senior police officer which was mentioned by several Board members as well, that the Scottish Government had its own agenda and was peddling the myth that the Boards were not providing a critical role, and that, perhaps, the Scottish Government should look at the role they provide themselves first; examples of perceptions on government relationship with Police Boards are shown in case study 9.1 below.

### Case Study 9.1

#### Government Control over Policing

*“I would say this to them that it’s slightly high handed, they go through a pretence of consultation but actually they have made up their mind anyway.”* (senior police officer)

*“In terms of whose controlling policing is it more Government than it is Board and less Chief Constables I suspect.”* (senior police officer)

*“They have a very negative view of Boards but I think it suits their agenda just now. I think they see the Boards as not providing effective scrutiny and oversight of us but I think you know equally you could say the same of the Scottish Government, I mean how effective is their role, how effective is their oversight, how effective is their part in the tripartite arrangements and clearly they want to change the whole governance and accountability,”* (senior police officer)

In response to the comments in case study 9.1 a senior Scottish Government official suggested that as part of the tripartite system the Government should have an impact on the Police Boards; although they suggested that instead of a tripartite system, which was more theoretical, it was more like a three way bilateral relationship which rarely came together as a triumvirate.

Many interviewees were less than impressed with Scottish Government involvement with Police Boards. A Board member commented on involvement through the Justice Department and suggested that the Justice Department had given the Board misleading advice. A Board member from another Force suggested that the Scottish Government do not ask questions and *“come with a dictate from on high”*. A Convenor from a different Board referred to Government grant cuts as *“blackmail”*. Another Board member suggested that the relationship was not good and suggested there was a lot of interference due to political differences between the Scottish

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Government and the local political body. There was even an extreme opinion on government and Board relationship from a Board member who stated “*We find them devious in the extreme*”. However, there appeared to be more acceptance of Scottish Government involvement from Board members from the same political party as the Scottish Government.

A senior Scottish Government official indicated below that the Government had a responsibility to ensure proper use of public money and often this could be the root of disagreements.

*“I think one of the points of disagreement on this is that the Boards see things as theirs and their resources, we see it as all public resources. We think we have a responsibility for good use of all public resources.”*

There was also an indication from some Board members that their interest in Government involvement was very minimal and their focus was on local issues. As one Board member commented:

*“The emphasis on all the members is on policing in their local communities and that’s their main focus – they are interested in what’s going on in their own patch and how it’s being delivered.”* (Police Board member)

On the other hand a Convenor indicated that they had a good and regular liaison with the Scottish Government through personal visits, letters and emails although there was an acknowledgement that there were some disagreements. Nonetheless, there appeared to be a huge gulf between the awareness of Scottish Government involvement in policing between the Board and the Convenor. Most ordinary Board members were unsure or did not know of the Board’s relationship with the Scottish Government and suggested the Convenor was the Board’s liaison with the Scottish Government. The following response is an exemplar of many Board members’ knowledge of the Board relationship with the Scottish Government:

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*“they (the Board) ask the Convenor to write to the Scottish Government and stuff like this but there’s never really very much feedback given about what happens there.”* (Police Board member)

This restriction of interaction with the Scottish Government to Conveners was confirmed by a senior Scottish Government official who stated:

*“all of our personal interaction is with the Conveners and I don’t know many of the members of Police Boards below Convenor, I know some Vice-Conveners.... unless the Conveners have been unusually active in communicating what they’ve been up to with the Board members most Board members will never witness or see any interaction between the Board and between the Convenor and the Scottish Government.”*

The senior Government official added that even with regular meetings with Conveners there were still one or two Conveners that were not very active in Government involvement. The senior Scottish Government official did accept that perhaps the previous administration had practically given up on Police Boards and ignored them. However, the Government official did indicate that at the time of the interviews there was a policy from the Scottish Government to support and help the Police Boards improve.

Although there was a fairly clear expression of Scottish Government involvement in Police Board duties from some interviewees, some interviewees went on to report that they were of the impression that the influence was from the Civil Servants. A few Board members indicated their concern with Civil Servant influence, as voiced in case study 9.2.

**Case Study 9.2**

**Civil Servant Influence**

*“I don’t like the way some civil servants try to influence Scottish Ministers, especially on the Police Boards,”* (Police Board member)

*“I’m certainly conscious of a change in emphasis from Scottish Government over the recent past and far more influence being exerted by civil servants than there ever has been..... I think there is an agenda set by civil servants at various points which strongly influences ministers’ direction.”* (senior police officer)

*“It was driven by the civil servants, (relates to the set-up of the SPSA) the Minister at the time - the Minister has too much on her plate anyway - and just listened to the civil servants”* (Police Board Member)

A few Board members suggested that due to the transient nature of Ministers the Civil Servants could manipulate their own agenda. There was, however, no evidence to support this other than what the interviewees reported as their own experience. One Board member referred to the Civil Servants’ influence being analogous to that in the TV sitcom *Yes Minister*. The Board member identified occasions when they witnessed the Civil Servant speaking for the Minister using the sitcom catch phrase *“What the Minister means.....”*

**9.4. Community Engagement and Consultation**

Interviewees were asked if they were aware of opportunities for the public to influence policing and question the Board about their plans and decisions. Some Board members indicated that since Board members were also Councillors they had regular contact with members of the public and police officers. An interviewee, therefore, suggested that community consultation took place by Board members regularly through a *“process of osmosis”*. Attending community meetings was another method put forward as obtaining community influence. However, it was also indicated that the number of members of the public attending public meetings was often disappointing. From the experience of the researcher as highlighted in Chapter 6 of this thesis public attendance at Police Boards was not simply disappointing, it was probably unlikely unless a significant topic was discussed by the Board. It was also thought by some interviewees that often Board members who attended meetings voiced their own

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concerns. This meant that the meetings, perhaps, had not always represented a true opinion of the local public. This view of public influence on policing arriving through the Board was an impression put forward by several Board members. One Board member expanded this to suggest that the police would be unable to do the same because “*the chain of command was too long for anything from the public to filter up*”. On the other hand, it was suggested by some Board members that community consultation should be the responsibility of everyone.

It was also noticed that Police Board members often identified consultations conducted by the police Force as the Police Boards’ own consultations. As well as setting up a community consultation committee, a senior executive indicated another direct form of community consultation by their Board. This consisted of public opinions being sought by operating a mailbox area on their Police Board web-site where members of the public could post questions. They did add the caveat that it was normally complaints that were posted. The complaint issue was also picked up by another Police Board member who suggested that from their own experience members of the public would report matters (mainly complaints) to them, as a Councillor, rather than go to the police. The reason given for this was that complaints were generally regarding local concerns and if the member of the public went to the police they feared they would be identified locally as the complainer and could be targeted by the person complained about.

It was also suggested by a Board member that the public would tend to look at the police Force delivering the service, and look there for their contact, unless they had any interest in Independent Custody Visiting or the Board’s remit in police complaints handling.

A senior police officer suggested the police Force would have more gravitas. Therefore, the public would feel more encouraged to respond to surveys and other correspondence from the police than they would from the Police Board, which they may not be aware of. On the other hand, a senior police officer from the same police Force was adamant that the Police Board was supposed to be assessing the public

engagement and should have been doing so. Accepting that the Police Board would require greater resources, this interviewee felt passionately that this was needed for the independent scrutiny to ensure that the police are making “*people feel safe*”. A Board member continued the resources theme and suggested that this was a reason that the police were perhaps more suited to engage in community consultation than the Board was. The interviewee did suggest that this did, however, raise a question of scrutiny:

*“the Board is aware of that (public consultation), but probably doesn’t get involved as much as perhaps it should be and perhaps we rely on the Force to be a kind of conduit for a lot of that work which maybe makes sense in terms of the resources the Force has compared to what they thought it takes to run itself but there’s a potential risk there who polices the police.”* (Police Board member)

A senior police officer from the same police Force as the above interviewee was of the opinion that the police were the main instigator of public consultation. They suggested that historically the police always were the organisation to step in and take on a task where there was a vacuum. As such, where there was no one else engaged in public consultation the police absorbed it into their functions. The police involvement in and open response to public consultation was confirmed by two senior police officers from different Forces who identified that their police Force conducted questionnaires with the community.

When referring on the public’s ability to question the Police Board specifically, interviewees were unable to see any way that the public could question the Board. One Board member, referring to the public attendance at Board meetings, indicated that the public could not engage in meetings and suggested that the ability to question was “*totally illusionary*”.

In order for the public to engage with the Police Board there has to be awareness by the public of the Police Board and its functions. It has previously been averred in this paper (Docking, 2003) that there is a lack of public awareness of Police Boards. The

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researcher has experience of this lack of awareness: when informing an interested party what he was studying he was invariably informed that the listener did not know what a Police Board was. This was echoed by the majority of interviewees who suggested that the public didn't know what Boards did:

*“there probably is a realisation that there are Police Boards but most people don't really make a connection between that and what they do.”* (Police Board member)

The same Board member was a little disillusioned with the effectiveness of their own Board and although they thought there should be more Board public engagement they suggested that it was just as well the public did not know more about the Police Board:

*“I think if there was more engagement between the Police Boards and the public, the public would be utterly furious as to how much of a waste of time they are and how much of a waste of an opportunity they are..... I think that they probably, as a matter of form, there should be more accountability and more community engagement in terms of being available and people knowing what the Police Board actually does but I think that is contingent upon the Police Board actually knowing that itself and I don't think it does.”*

It was suggested by a senior executive that the visibility of the Board was, perhaps, one of those philosophical questions, not whether it should be visible, but how visible. The interviewee professed not to know the answer to the question posed but suggested that perhaps it could be equated to the role of governors in a school. But as one senior police officer submitted, the Board was limited as to how it could represent itself on behalf of the police as that was not necessarily their role. However, the senior police officer did suggest that the Board should ensure the scrutiny of the police and ensure that the public were aware of the scrutiny.

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Another senior police officer commented that they were aware of technology tools through interactive websites that were in place in police Forces in England and Wales that allowed the public to state their priorities for policing in their local area. The interviewee indicated that the lack of such resources would be a barrier for a Police Board to conduct such community consultation. But, as long as the Board ensured that the police were carrying out the process and ensuring priorities were being dealt with, then the method could be appropriate for their own Force.

Community policing was seen by many interviewees as essential and a direct way for the community to influence policing, although a concern raised by some Board members was that police officers attached to communities were rotated too frequently to ensure a continued public relationship. A Board member reported that community engagement was conducted through community partnerships, where the community concerns are passed on to community police who are “*set tasks*”.

The presence of community police officers was seen by most Police Board members as having a positive effect:

*“it (Community Policing) improves the relationship with the community, the community talks to the police, police intelligence improves, detection rates improve, crime rates reduce”* (Police Board member)

*“I keep coming back to Community Police Officers because I still think they’re the most important members of the police Force as far as I’m concerned.”* (Police Board member)

Overall, there were several suggestions for community engagement involvement and it would appear that most ideas have their own merits. Suggestions range from local consultation between the public and a Councillor or local constable to a more strategic overview of policing issues through feedback from SOAs or the SPPF. What, perhaps, was missing was an overall Community Consultation Framework to provide a more scientific overview and to ensure all stakeholders could obtain the best for the



community. Although mentioned by a few interviewees, overall, there were very limited responses that included SOAs and CPPs in respect to their input into community consultation. A senior police officer was of the opinion that community consultation should be left to local partnerships rather than the police or the Police Board.

#### **9.4.1. Police Board: Community Engagement Evaluation**

As suggested above, community engagement was seen as a priority by almost all interviewees, as one Board member reported:

*“the police I think are very aware of the importance of community engagement. We couldn’t do without it.”*

Consequently, it is suggested that it is important to see how effective any consultation with the public was. Interviewees were, therefore, asked if they were aware how, if at all, the effectiveness of public engagement was measured. Interviewees indicated that they saw evaluation through several processes. In particular, Board members suggested they obtained community engagement evaluation through public feedback at meetings and local surgeries as well as letters of thanks or complaint to the Board. It was also suggested by some Board members that effectiveness was also taken on by the Police Board through the police presentation of performance figures, police surveys and other Board updates. However, the level of data from the information provided to Board members from the public can often be of limited use, as one Board member stated about policing matters raised at their local surgery:

*“I have been a Councillor a long time and I can count on one hand the number of times that anybody has ever come to me about a police issue or dissatisfaction. In the last five years I think there’s been one.”*

Community engagement was seen by one Board member as having its own drawbacks as it was not always the most appropriate concerns that were brought to the attention of the community representatives:

*“the problem we have is when you engage at that kind of level, you sometimes get the same strong voices and only those ones, and they’re not always representative, and indeed what they raise is not always appropriate.”* (Police Board member)

A fair proportion of interviewees also found it difficult to see how the Police Board could measure effectiveness of community engagement. A Board member also felt that community engagement worked differently in different areas in a police Force. They suggested it was, therefore, difficult to evaluate effectiveness of a strategy that might not be appropriate in a particular area. As such, where you have a number of Councillors each representing a separate area, evaluation can be difficult. As a Board member indicated:

*“I don’t see how, except at very high level, that community engagement can be dealt with by a group of (Number of Councillors omitted to assist anonymity) plus disparate Councillors.”*

A senior police officer suggested that, in their opinion, there was a place for Board evaluation of community engagement effectiveness even if that was only to triangulate the findings of the police. Some Board members also indicated that their police Force used surveys with members of the public to find out what the local policing priorities were seen as by members of the public.

A few Board members were of the opinion that the Board could monitor community engagement effectiveness. Most interviewees, however, admitted that there was a lack of public engagement monitoring prepared by the Police Board itself. The main reason presented for this lack was the limited resources that each Police Board had to enable it to carry out monitoring activities. A Convenor suggested that they had seen some improvement in their community engagement evaluation and could have, perhaps,

looked at Police Authorities elsewhere in the United Kingdom for good examples that they could have adopted. An area of review identified by two interviewees was that their police Forces had engaged the services of organisations such as the Scottish Institute for Policing Research (SIPR) to undertake community engagement analysis.

There was, nonetheless, an indication from Board members that there was a feeling community evaluation should remain local. It was suggested that local community involvement evaluation rather than strategic Police Board evaluation could provide more effective results. Locally concerns could be resolved quicker and feedback given to the complainer to keep them informed of the progress, resulting in greater public visibility and understanding about what the police were doing in their area.

#### **9.4.2. SOAs and CPPs**

Single Outcome Agreements have been in place since 2007 and Community Planning Partnerships since early 2000. Although the Local Government in Scotland Act 2003 required Joint Police Boards to participate in the Community Planning process most of those who commented on SOAs were sceptical or clearly not favourable about them, as a Police Board member bluntly stated:

*“It seemed to me that they had no function whatsoever.....It’s all Ballocks.”*

A Joint Board member suggested that there was an area of repetition with the SOAs, Force performance figures and the SPPF. This resulted in a situation where the Board member felt it was often unclear what statistics they were actually looking at. A senior police officer was of the opinion that the SOAs helped with the commitment to local communities as it allowed Commanders to negotiate their SOAs locally and not on a Force level.

Interviewees who commented on CPPs were, in general, supportive but concern was raised regarding Police Board lack of involvement in the CPPs. Several Board

members reported that they were aware that their police Force was represented at CPPs but there was little or no representation from the Board on CPPs and the Board had to rely on police feedback. A Convenor suggested that this was not good enough for the Board which should have been more involved:

*“we need to be more involved in that because at the moment it’s the Force who effectively are doing all the running in terms of Community Planning.”*

A contrary opinion to this was given by another Board member who reported that although the Board did not take part in CPPs they thought that it was best left to the police as the systems that were in place to measure accountability on the Board were confused and old fashioned.

When it came to the Boards’ involvement in CPPs and SOAs, a senior police officer was also of the opinion that the Board involvement was left up to the police:

*“The likelihood is that unless we tell the Authority how we are doing in relation to Community Planning and Single Outcome Agreements they wouldn’t know and wouldn’t want to know.”*

#### **9.5. Interviewees’ Perceptions on HMICS, Scottish Policing Board, Conveners Forum and the SPSA**

Jones (2008) argues that an important lever of Central Government influence over policing is the inspection process. Interviewees were asked to comment on what they thought of the interactions of the Police Board with other stakeholders. These Stakeholders included Her Majesty’s Inspectorate of Constabulary for Scotland, the Scottish Policing Board, the Conveners Forum and the Scottish Police Services Authority.

### 9.5.1 Her Majesty's Inspectorate of Constabulary for Scotland

The interviews were conducted during HMICS inspections of police Forces and Police Boards in Scotland and, consequently, influenced interviewees' responses which mainly related to the inspections. A Police Board member was of the opinion that HMICS seemed to have been downgraded from its past position. The interviewee gave the example of what they saw as the downgrading of the rank of the Chief Inspector of HMICS, by not replacing the previous HMCICS with a Chief Constable<sup>86</sup>. The interviewee saw this as reducing the gravitas of the position and, therefore, by association reducing the position of HMICS. A Convenor of another Board also felt that the HMICS inspections were a "*watered down process*" and HMICS "*did not have the teeth that it should have*".

When it came to the HMICS examinations of the Boards, interviewees were mainly of the opinion that the process had been beneficial to the Police Boards. Most of the Board members interviewed that had not had their inspection done had taken notice of the results of previous Board inspections and were working hard to improve, as one Board member said: "*a bit of the old socks pulling up*". The HMICS inspections were welcomed by many interviewees, as a Convenor of one of the Boards said that they wanted their inspection brought forward because the Board was eager to see how they had improved and to identify any weaknesses.

Not every interviewee felt that their Board responded to all HMICS recommendations and some adopted only a little of the results from other Boards' inspections for their own Board.

*"They reported into the Police Board and its interesting and we monitor some of the implementation plans but not a great deal."* (Police Board member)

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<sup>86</sup> However the concerns of this interviewee were perhaps rectified in March 2013 when following the retirement of the previous HMCICS the Chief Constable of Northern Constabulary was appointed as HMCICS.

Several Board members made comments that they were not happy with the way inspections were completed and, in particular, the lack of Board contact during the inspections. There was also disappointment expressed with the lack of reporting of the results of inspections to the Board before the results were published.

*“if they feel I’m not doing my job, I would like them to come and tell me where I’m not doing my job.”* (Police Board member)

A senior police officer was concerned over the advisory role that HMICS had adopted towards Boards. The concern was specifically in regards to the Board receiving advice regarding questioning the Chief Constable *“who is the HMCICS to tell the Board what questions to ask?”* There is a concern here that this could be an indirect way for the Scottish Government to influence policing policy and the operational independence of the Chief Constable.

### **9.5.2. Scottish Policing Board**

Although senior police officers and Force executives interviewed were aware of the Scottish Policing Board the majority of Police Board members were unaware of the Scottish Policing Board or were unsure of what it did. Those that were aware but did not have personal dealings with the Scottish Policing Board mainly were only aware that their Convenor or Vice-Convenor attended meetings.

Some interviewees pointed out that it was a purely advisory body and had no legal status. It did not make decisions nor was it about holding people to account. Although aware of the Scottish Policing Board a senior police officer commented that they were not sure what the Scottish Policing Board had delivered. The senior police officer pointed out that it simply fed discussions back to Ministers who made the decisions on what they felt was the dialogue of the meeting. Another senior police officer, agreeing with these points, suggested that it was misnamed in calling it a Board. It was suggested by a Convenor that the decision by the Minister might not always have reflected the Scottish policing Board’s discussions:

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*“Not that I’m saying for one minute that he (refers to the Minister) would bend the truth but the consensus has not always been my recollection of what has happened nor with the Chief Constable’s and I think that has to sort of tighten up its act,”* (Police Board member)

A senior police officer commented that Boards were perhaps nervous that the Scottish Policing Board would usurp their role. A Board member, perhaps, echoing this indicated that they were more interested in democratic local representations by their own Police Board and not a national talking shop. However, some Board members were of the opinion that the Scottish Policing Board was simply in place to allow the Cabinet Secretary to say there had been consultation with tripartite partners.

*“I think the National Policing Board was just merely being set up to allow the Cabinet Secretary the ability to deliver messages and have presentations that it could then be said that well I have consulted with the tripartite partners. I don’t think it was there to actually be an engaging forum.”* (Police Board member)

Again, as mentioned previously in this chapter, there was a belief given by some interviewees that Scottish Government Civil Servants were controlling or guiding policing direction through the Scottish Policing Board.

There was, however, an indication of a positive outlook by several interviewees towards the Scottish Policing Board. Another senior police officer indicated that despite the fact it was a non-Government body it did have a role particularly in respect of national policing items where there was a gap in governance. The senior police officer was of the opinion that the Scottish Policing Board had gone some way to remedying that. They suggested that the Scottish Police Board was suitable and should be part of the tripartite system.

Some interviewees saw the opportunity to bring together many of those involved in policing governance to ensure a more informed collaboration. This was also the opinion of the senior Scottish Government official who felt that the Scottish Policing

Board had a beneficial impact as *“a kind of encouraging informing kind of mechanism rather than a forcing kind of mechanism”*.

### **9.5.3. Scottish Police Authority Conveners Forum**

A Convenor put forward that the Conveners Forum, like the Scottish Policing Board, was not a decision making body although they indicated that they had made decisions on certain courses of action. The Convenor suggested that the Forum had pluses and minuses in this operation. On the plus side the Convenor put forward that it brought Conveners to a national level of contact with COSLA and the Scottish Government. Another positive of the Forum, put forward by another Convenor, was a stronger case argument to Government which came from all Conveners rather than single Boards. On the negative side of the Forum, it was suggested that it could have been open to political influence. The interviewee was of the impression that if a Chair of the Forum was overtly political then you may find that it was controlled by the party that Chaired the Forum. A senior police officer also reported that they were of the opinion that the Conveners found it quite difficult to take a single policy to the Conveners Forum because of political and geographical differences.

Board members interviewed were not always aware of the Conveners Forum and some reported little or no knowledge of the Forum. A Board member from the same Board as a member who was unaware of the Forum reported that the input from the Forum was only of interest to Conveners and not reported back to the Board:

*“It’s of interest to the Conveners to find out what’s happening and to some officers to find out what’s happening in different parts of the country but there isn’t a report to the Board of the activities of the Police Conveners’ Forum.”*

A Convenor from another Board also indicated a lack of knowledge out-with the Conveners stated:



*“I wasn’t really aware of it until I became a Convenor and then suddenly found I was called to a meeting of it shortly thereafter.”*

However, the Convenor above did indicate that their Board had tried to update the profile of the Forum since. The assertion of a lack of Forum awareness from a Board member, though, was contradicted by the Convenor of the same Board as members who reported being unaware of the Forum. The Convenor indicated that information was fed back to their Board and that members had used the Forum as a way of filtering their own concerns to a national level through that Convenor. Although several Board members indicated lack of knowledge of the Forum, there were also some interviewees from various Boards that said they got a reasonable amount of feedback from the Conveners Forum. Overall, there appeared little awareness by ordinary Board members of what occurred at the Conveners Forum and its benefits appeared to be limited to Conveners. Although most Boards had minutes of Conveners Forum meetings there was no indication that they were studied by ordinary Board members. It is, therefore, suggested that there should have been more vigour by Conveners in the reporting of Forum meetings to Boards.

#### **9.5.4. Scottish Police Services Authority**

Although most Police Boards had input from SPSA presentations, some interviewees, mainly Board members, stated that they had little knowledge of the SPSA and were unaware of any impact the SPSA had on Police Boards. A Board member also indicated that the SPSA would be scrutinised by the SPSA board and, as such, Police Board members had little say on the SPSA and the SPSA had little bearing on the Police Board.

Several interviewees were less than supportive of the SPSA; responses indicated that they thought the SPSA was *“poor”*, *“an absolute disaster”*, *“a shambles”* and *“lacking in local accountability”*. There were many reasons given by interviewees for their poor opinion of the SPSA. Most of the reasons given for the poor support of the SPSA stemmed from what appeared poor initial planning and included: VAT liability,

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lack of accountability, poor management and a fear of the loss of local input. Many of responses seemed to have extended from the publicity the SPSA had generated from its set-up rather than an in-depth knowledge. There was also a concern from a few interviewees that the SPSA was only set up as a precursor for a national police service.

The comment on poor planning and poor management was reflected by a senior police officer who had management experience within a national police agency. The senior police officer indicated that their perception was that the SPSA was a bad model and was intended to do too much with too little money. The senior police officer commented that there was a lack of expertise at the commencement of the SPSA which included police officers in IT jobs:

*“it’s a bit like asking somebody to do a bit of dinghy sailing to be the Captain of the QEII and then it’s a bit like asking a plumber to go and do a joiner’s job. It’s ridiculous.”*

A nautical theme was continued by a senior police executive who commented on the lack of accountability and poor management:

*“It’s like an iceberg. Probably the public are seeing a few problems, a few articles in the paper. You have no idea the real operational concerns and we are getting by just on a wing and a prayer. We are not the only ones I think it’s the whole of Scotland and the real concern is as we look to perhaps a new model of policing delivery that more and more functions may very well be transferred to this body but unless we can sort out some of the fundamentals then it’s going to go from bad to worse.”*

There were, on the other hand, a few interviewees who reported what they saw to be SPSA successes which included the running of the Police College, the Scottish Crime and Drug Enforcement Agency and in regards to scrutiny of scenes of crimes:

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*“I am now confident that through SPSA the checks and balances are in place to prevent such a flawed testing (referring to scenes of crime).”* (Police Board member).

However, there was a caveat to this from another Board member who suggested that these areas were working well anyway before they were taken over by the SPSA. Some other interviewees commented that the SPSA had perhaps not been used enough and rather than have eight different HR, admin departments and backroom staff the SPSA could have amalgamated them all into a central unit.

Overall, there were limited positive comments regarding the SPSA although a Board member looked to their own Chief Constable and reported that since the Chief Constable had no concerns, the Board member was happy with the service provided by the SPSA. There was some indication from interviewees that the SPSA is gradually improving, as an interviewee with inside knowledge of the SPSA suggested *“it was an agency that’s gradually improving but was set up without proper consideration of how you bring things together”*. The interviews were conducted at a relatively early stage in the organisation of the SPSA and although not relevant post amalgamation of police services in April 2013 it would have been interesting to conduct further interviews to gauge interviewees’ impressions beyond that of the SPSA at a set-up phase.

### **9.6. Discussion**

Chapter 9 looked at interviewee’s responses which included their perceptions of Police Board interaction with the Chief Constable, The Scottish Government, the community and other stakeholders. In addition to previous chapters in this thesis Chapter 9 sought to provide answers to research question 3.

With regard to the Board relationship with the Chief Constable, the Police Board should, in essence, have had the upper hand with the ultimate sanction to dismiss the Chief Constable. However, this sanction has historically rarely been used. The main Board interaction was found to be between the Convenor and the Chief Constable.

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This relationship could sometimes have hinged on personalities but it was almost always seen by interviewees as professional. As suggested by Lustgarten (1986) there was also an indication from interviewees that the Board could have been too deferential and could have endeavoured to be more challenging. Interviewees indicated that there were few disagreements between the Board and the Chief Constable. When there were disagreements between the Police Board and the Chief Constable they were normally resolved face to face or at sub-committee through dialogue and negotiation and had not reached full Board level.

Interviewees suggested that, in general, the Police Board and the Chief Constable had a good relationship with few disagreements. Where there had been disagreements they were generally resolved effectively. Disagreements were not always seen as a negative comment on the relationship but also as an indication that scrutiny was being carried out by the Police Board.

There was a suggestion from some interviewees that the Scottish Government played more of a role in controlling the police than the Police Board had. This supports the assertion that policing power is moving more towards Central Government form commentators such as Lustgarten (1986), Reiner (1993, 2000), Donnelly (2008), Scott (2011), Fyfe (2011) and Nicholson (2012).

Board members, other than Conveners and Vice-Conveners, in general, had little knowledge of their Boards relationship with the Scottish Government and mainly concentrated on local issues. There was a concern from some interviewees over the influence of Civil Servants in the direction of policing. This suggestion of Civil Servant influence was also raised by Scott (2011) in comments on policing policy advisers to Parliament.

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*“The influence of the Justice Department in the day-to-day interactions between the Scottish Government and the police remains an uncharted area. Nonetheless, it is likely that the increase in Scottish Government activity in relation to policing has been underpinned by an equivalent increase in involvement by Civil Servants in policing policy-making.”*

Scott (2011, p.14)

It is worth noting that Laing and Fossey in the 2011 HMICS discussion paper into Governance and accountability of policing in Scotland listed the Civil Service as one of the bodies that were; *“taking on roles that in some way endeavour to bridge the governance shortcomings”*. The Civil Service was also suggested by Laing and Fossey (2011) to be involved in the development and implementation of policies affecting policing:

*As an integral and key part of the Scottish Government, the Civil Service supports development and implementation of its policies, including those that affect policing.*

Laing and Fossey (2011, p.13)

Although the Civil Service is bound by its own conduct and answerable to Ministers and Parliament there, appears to be some substance to interviewees’ perceptions of Civil Service involvement in policing policy. Historically, policing has had the philosophy of the police being part of the community and it has been argued that the police should have responsibility to the community it represents and not the Scottish Government.

From the interviewees’ responses it is suggested there were few Police Board instigated community involvement activities. In general Board members looked to their contact with the public as Councillors as a gauge of public satisfaction. Input from Local Council meetings was also seen as a way that Board members discovered public concerns. Consultation with the public was regularly undertaken by the police and rarely by the Police Boards. It was suggested by interviewees that there was little

public knowledge of what the Police Board did. This supports the suggestions of Docking (2003) and Ipsos MORI (2010) that there was little public knowledge of Police Boards. Interviewees have also indicated that there were also very few areas for members of the public to put questions to the Police Board. Not surprisingly there was also an indication from interviewees of a lack of monitoring of community engagement effectiveness and suggestions that to improve the effectiveness the Board would require greater resources.

Nevertheless, interviewees indicated that community engagement was seen as essential. The Christie Commission (2011) suggests community engagement as one of their key public services objectives:

*“public services are built around people and communities, their needs, aspirations, capacities and skills, and work to build up their autonomy and resilience.”*

Christie Commission (2011, p.23)

Of course, what is meant by the community or the public is not always clear. Jones (2008) suggests that there are many differing organisations that purport to hold public opinion and that the media could also hold an *“overseer function”*.

One of the inputs for public and community needs is seen through the SOAs and the CPPs. Although interviewees were in general supportive of the CPP there was an indication, especially, from Board members that Boards could have been better represented. In general CPP attendance and reporting was said to be left to the police. Although SOAs had the support of senior police officers, Board members in general were not supportive, complaining of a lack of clarity and repetition. This is a confirmation of suggestions by Donnelly and Scott (2002) and HMICS (2008) where it was indicated that the Boards had very little influence over local policing decisions made through SOAs and CPPs.

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Although there has been some action on SOAs from Police Boards, it appears that Dr Andrew Goudie's (2009) comment's on the focus of scrutiny on SOAs was not fulfilled by the Police Boards:

*“It is clear that external scrutiny, and the performance and accountability frameworks for public bodies, will progressively be focused on national outcomes and SOAs.”*

Dr Andrew Goudie (2009, para. 14)

In order to improve accountability to the public in England and Wales a change to policing governance was suggested by Home Office (2009) paper on policing<sup>87</sup>. The suggestion was to introduce directly elected members of Police Authorities as a method of creating a more democratic link between the governance of policing and the public. This is, perhaps, something that could have been appropriate to be considered for police Boards in Scotland, although it is noted that it was not adopted in England and Wales.

Interviewees' comments on other stakeholders' interaction included comments on Her Majesty's Inspectorate of Constabulary for Scotland, the Scottish Policing Board, the Conveners Forum and the Scottish Police Services Authority. Several Board members indicated that they had little knowledge of other stakeholders' involvement with the Board.

There was a suggestion that Boards tended to adopt a historical understanding of what their duties were, without looking at improvement. However, with the introduction of HMICS reviews of Police Boards and an introduction of, perhaps, a more strategic overview of their duties by some Boards, there had been an apparent improvement in the way that a Board managed its responsibilities during the course of this research.

Although HMICS inspections were welcomed by most interviewees it was thought by some that it was a watered down process from previous years. The Scottish

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<sup>87</sup> Home Office (2009) *Policing in the 21<sup>st</sup> Century*

Government's consultation document on the future of the police and fire services (Nicholson, 2012, p.20), suggests a support for the continued role of HMICS in regards to inspection of the police service. However, there was comment in the consultation largely by Local Authorities that the future of audit and inspection at local level was unclear. On the other hand, Donnelly and Scott (2010) suggest that the police are more accountable than ever with overview from public bodies, MPs and MSPs.

In general, interviewees were dissatisfied with the SPSA and had few positive comments although there was a suggestion that the SPSA was improving. There was little comment from interviewees about the Scottish Policing Board which, in general, was seen as a talking shop with no power for recommendations. Board members other than Conveners had little knowledge of the Conveners Forum and, although a good place for contact with COSLA and the Scottish Government, it was suggested could be open to political influence. In comparison, in England the Association of Police Authorities (APA)<sup>88</sup> appeared to be more involved in representing the Police Authorities and promoted its aims through methods such as developing policies, raising public awareness, lobbying Government, keeping Authorities up to date with developments, developing guidance and identifying and spreading good practice (Appendix I).

In addition to APA, Police Forces in England and Wales had the support of the National Policing Improvement Agency (NPIA)<sup>89</sup> to improve the way that they work (Appendix I). It is suggested that both APA and NPIA are examples of organisations that could have been adopted to improve both policing and police governance in Scotland. No directly comparable organisation to NPIA was present in Scotland at the time of this report. However, it is suggested that the remit and resources of an organisation such as SIPR could have been extended through Central Government

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<sup>88</sup> Following the abolition of the Police Authorities and the election of Police and Crime Commissioners in May 2012 APA has been re-named the Association of Police and Crime Commissioners.

<sup>89</sup> From December 2012 the functions of the NPIA were taken over by the College of Policing.



sponsorship and funding to include those similar to that of NPIA for the benefit and continuous improvement of both policing and police governance in Scotland.

The overview of the interviewees' perceptions into interactions between the Police Board and stakeholders has given an insight into the day-to-day operation of the tripartite arrangements and the governance of the police. The Police (Scotland) Act 1967 set out the foundation of the tripartite system and the responsibility for policing shared between the Scottish Government, Police Authorities (Police Boards) and the Chief Constable. As mentioned in Chapter 1, the Act was intended to clarify the relative powers of each of the three elements of the tripartite and ensure democratic policing with no single party having control.

Walker (2000), Donnelly and Scott (2010) and Fyfe (2011) are amongst scholars who suggest there has been a movement of policing control towards Central Government. The senior Scottish Government official interviewed also cast doubt on the tripartite system by indicating that, in their opinion, it was more like a three way bipartite. There was also an indication from the senior Scottish Government official that they saw little evidence of the Local Authority policies matching the motivations of the Police Boards.

Most ordinary Police Board members indicated that they were not aware of the Police Board having a relationship with the Scottish Government, or indicated a poor relationship. In general, only a few Board members, mainly Conveners, suggested a good relationship although this was mostly restricted to Board members of the same party as the Scottish Government. Although Central Government control of the police was rejected by the Royal Commission in 1962 in that it would prejudice police local relations, the perceptions of some interviewees appeared to reflect a perceived increase in the centralisation of policing control. In addition, senior police officers and police executives also tended to suggest that their impression was that the relationship was not equal with the Scottish Government having the controlling hand. There was also the indication from many interviewees that the Scottish Government had its own agenda and did not listen to Boards. Fyfe and Henry (2012) add that policing reform

in Scotland almost certainly has a political dimension to it with a referendum planned on Scottish independence for 2014; the association that a national police service may have with an independent Scotland cannot be ignored.

This may reflect the Scottish Government official's suggestion that the previous Scottish Government had almost given up on Police Boards. The impression of centralisation in policing governance suggests that the democratic position of control over policing being shared by the tripartite partners is no longer equal. This, therefore, tends to suggest that the veil that had hidden the tripartite system does not, in fact, hide the tripartite but, in essence, hides the pragmatism that the tripartite system is no longer. This chapter has looked under the veil of the tripartite system and suggests that what is present is a mirage. There is an image of the tripartite structure present but when inspected closer the vision appears to have little substance with no indication of an equal relationship. However, the perpetuation of the myth may benefit Central Government as Reiner (2000) suggests, separating the Government from responsibility when things go wrong.

However, it is not simply the tripartite arrangements that were suggested to be under threat but, by extension, it is suggested the doctrine of constabulary independence is also at risk. Walker (2000) indicates that the doctrine was central to the tripartite framework; it ensured that the police are controlled by no single party and are answerable only to the law and the community. Jones (2008) suggests that the doctrine is under threat from "*the growing nationalisation of policing and the application of market based reforms*". Market based reform is perhaps suggested by the senior Scottish Government officials interview reference to the police budget as a public resource which the Government had responsibility for the good use of. HMICS (2009), in a similar manner, also suggests "*Governance is about making sure that public money is being spent properly and effectively*". This may have a direct relevance to the key principle for policing given by Walker (2000) that it is executed through the principles of democracy and is "*fair and enjoyed*" by all areas of society.

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Jones (2008) set out a range of criteria which relates to the democratic governance of policing. These criteria include that power to influence policing policy should be spread across a number of institutions and agencies and not concentrated in one area. Jefferson and Grimshaw (1984, p.153) also indicate that avoiding the influence of community opinion would be undemocratic, whilst Donnelly and Scott (2010) point to the need for public engagement in democratic policing:

*“Thus the public is engaged in supporting the police, consenting to their activities, and holding them to account primarily through elected representatives at a local and national level, whilst also recognising that in certain areas the Chief Constable must be allowed to make operational decisions. In a British context this is what is meant by ‘democratic policing’.”*

Donnelly and Scott (2010, p.73)

As mentioned above, there were indications of centralisation in policing, as well as the large number of Acts passed relevant to policing since devolution. This may reflect on the independence of the Chief Constable to be *‘answerable to the law and the law alone’*. Some interviewees suggested that the Scottish Government was already high handed and did not listen to the Boards or police. In addition, Jones (2008) indicates that discussion and influence over policy making should be available to the public. There was little indication from this research of community involvement or public knowledge in policing governance. This further questions’ the retention of the democracy, impartiality and satisfaction associated with policing in Scotland. This is, perhaps, even more relevant when the future of police governance in Scotland is considered.

Conversely, Oliver (1987) indicates that the danger to democratic policing was perhaps more from local policing than national policing:

*“The danger in a democracy does not lie in a central police that is too strong, but in local police forces that are too weak.”*

Oliver, I. (1987, p.223)

As suggested in this and previous chapters the perception of Board members and stakeholders indicated that Police Boards did some of what they were expected to do but not all. There was a variety in the level of understanding from Board members as to what their relationships with stakeholders were. In general, where a Board was aware of its responsibilities with stakeholders it endeavoured to undertake its duties as required. The key point that comes to attention is that not all Board members seemed to be aware of their responsibilities. It must be asked, therefore, if the Board members were not aware of their governance responsibilities, how could the Board govern effectively? Interviewees' perceptions on the future of police governance are discussed in Chapter 10 of this thesis.

### **9.7. Key Research Findings: Perceptions on Stakeholder Interaction**

- There was little indication of Police Board instigated community involvement activities, and a lack of monitoring of community engagement effectiveness.
- Any consultation with the public was generally undertaken by the police and rarely by the Police Boards.
- There were very few areas for members of the public to put questions to the Police Board.
- There was, in general, a satisfaction with the relationship between the Chief Constable and the Police Board and a feeling that the Police Board could, and would, hold the Chief Constable to account.
- Board members, in general, were not supportive of SOAs, complaining of lack of clarity and repetition.

- In general, interviewees were dissatisfied with the SPSA and had few positive comments.
- In general Board members had little knowledge of Scottish Government involvement and concentrated on local issues. However, there was a suggestion from some interviewees that the Scottish Government plays more of a role in controlling the police than the Police Boards did.
- There is an overriding appearance that the tripartite system is no longer equal. Indeed, it appears that the power of police governance is centralising advancing the demise of the tripartite system.
- The perceived lack of public involvement and centralisation of policing in Scotland suggests a possible threat to democratic policing.

## Chapter 10

### Perceptions on the Future Role of Police Governance in Scotland

#### 10.1. Introduction

This chapter continues the analysis of interviewees' responses. The interviews took place during the period of consultation for the future of policing in Scotland and before the 2012 decision of the Scottish Government that there shall be a Scottish Police Service in April 2013. The experience and expertise of Police Board practitioners would, therefore, give an insight into the best way forward for the future of policing governance and this research can, consequently, provide an independent report of the perceptions of practitioners for the future of police governance in Scotland during a period of change.

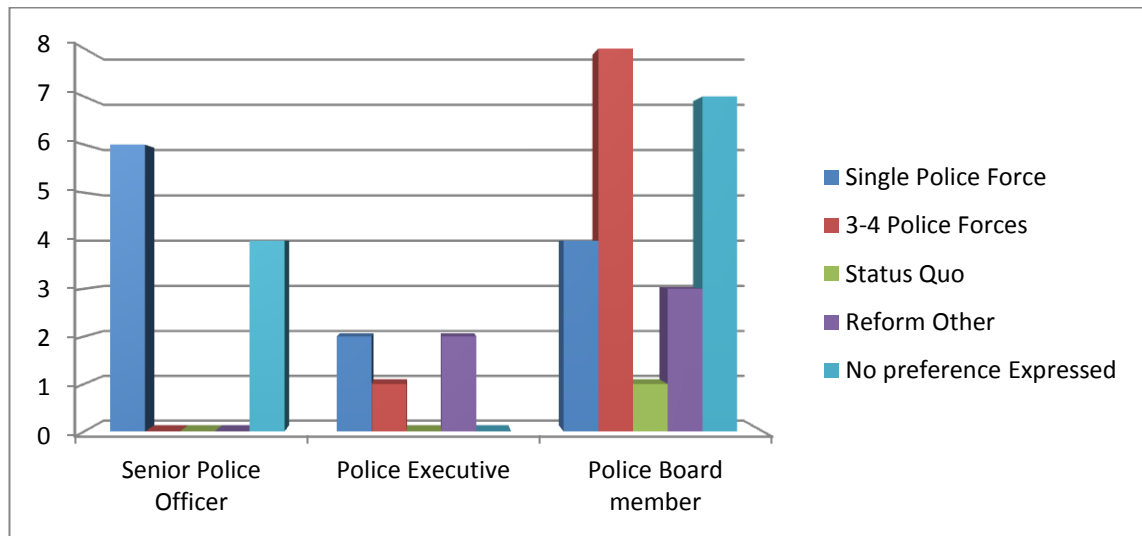
Interviewees were asked to give their thoughts on the future of police governance in Scotland. Interviewees had their own perception of what should and would be the future for police governance in Scotland. Comments on the future of policing included reform and the number of police Forces (10.2.1-10.2.6.), additional Board support (10.2.7.), independent Board members (10.2.8.), and thoughts on a Police Board Commissioner (10.2.9.). The chapter concludes with a discussion of the matters raised by interviewees (10.3.) and presents the key research findings from the chapter (10.4.). This chapter, in addition to the previous chapters, helps to answer research question 4: *What lessons do the perceptions of practitioners provide for the future governance and accountability of policing in Scotland?* This, therefore, gives an independent view of the opinions of Police Board practitioners prior to any Government decision on the future of policing in Scotland and, where appropriate, draws on the practitioners' experience to provide insight and guidance into police governance in Scotland.

## **10.2. Comments on the Future for Police Governance in Scotland**

Interviewees were invited to give their opinion on how many police Forces there should be in Scotland. 38 interviewees responded giving a variety of opinions on the options for reform. Some interviewees gave their opinion on the number of police Forces there should or would be. Although an interviewee indicated that there would or should be a particular option this was not necessarily what they considered the best option. On occasions an interviewee put forward what they felt had already been decided by the Scottish Government as their vision of the future for police governance. Some interviewees also commented on the governance that should be considered along with a wider look at the reform of policing in Scotland.

### **10.2.1. Reform and the Number of Forces**

The responses regarding interviewees' thoughts on the future number of police services in Scotland can generally be categorised into four themes. These themes were that the status quo of the eight police Forces in Scotland should remain, reform should reduce the number of police Forces to three to four, some other reform and that there should be one police service in Scotland. The majority of comments concerned a single Police Service and its governance. The 38 interviewees' responses are illustrated in Figure 10.1.

**Figure 10.1 Suggestions on the Future Number of Scottish Police Forces**

(Source: Interviewee responses)

Only one interviewee indicated that the future of police Forces would or should maintain the status quo. 26 interviewees expressed an opinion that there was a need for change especially in a climate of austerity. A further 11 interviewees commented on police reform without putting forward a preference or opinion. There was also a feeling from a few of the interviewees that the results of the Christie Commission<sup>90</sup> should be considered before any decision.

There was a notable contrast in the opinions given by the stakeholder groups. All senior police officers who indicated an opinion on the future of policing in Scotland felt that there would or should be a single Police Service in Scotland.

In contrast 50% of Police Board members who indicated an opinion for the number of police Forces suggested there would or should be three to four police Forces and only 25% indicated that they felt there would or should be a single Police Service. The one person who indicated a preference for the status quo was a Police Board member. Interestingly, the responses from senior police executives was somewhere in between

<sup>90</sup>Christie et al, (2011), *Commission on the future delivery of public services*, APS Group Scotland.



that of senior police officers and Police Board members with predilections spread between a single Police Service, three to four police Forces and some other reform.

Interviewees' responses on the future number of police Forces in Scotland are further discussed below and outlined in four main headings which are Single Police Service, three to four Police Forces, Status Quo and Reform Other.

### **10.2.2. Single Police Service**

The comments of two of the Police Board members in favour of a Single Police Service are replicated in case study 10.1 below. One Police Board member from a coterminous police service also put forward that a single Scottish service has worked for other organisations.

#### **Case Study 10.1**

##### **Board Members Comments For a Single Police Service**

*“My view isn't shared with a lot of my colleagues but I certainly favour a single police Force, from my own experience with a single Scottish Courts Service, Single Procurator Fiscal Service, why not a single police Force and I think the key though for me is how the structures to underpin that in terms of local accountability which I think is quite important and the present arrangements are good in (police area omitted for anonymity) because we are coterminous with the police Force but I'm not sure, and I don't have direct knowledge of this about how effective Joint Police Boards are where they are made up from a number of Police Authorities and I would like, I mean my view, and I'm going to put a submission in, in this respect, is that there should be the local accountability should be at Local Government level which would mean we have every Local Council would have its own police committee and I think that would be a more effective way of accountability vis a vis the police and Police Committee but as I say not everybody shares that view.”(Police Board member)*

*“I would like to see probably divisions which could be more than they are now but certainly local and manageably sized, that's why I was looking up sizes before you came actually, to work but to actually report centrally, purchase centrally and you know everything else that happens in a local Force and obviously police could move from place to place if they so desired but people do like having their local police Force with people they can identify with and it's just trying to get that sorted out in my head.” (Police Board member)*

## Chapter 10

As above, where interviewees suggested a Single Police Service there was often a caveat inserted that they wanted to ensure local accountability. A senior police officer suggested that the system of eight police Forces and 32 Local Authorities was never designed to be the way it was, but was inherited from the abolition of regions in 1996. The senior officer suggested that the proposed change would give a “*huge opportunity*” for the review of governance with, possibly, a Scottish Police Service with 32 Divisions, one for each Local Authority, with the emphasis on decision making being responsive to Community Planning partners. The challenge would be to ensure that the Single Police Service did not end up with 32 individual Police Boards that may not relate to Scottish strategies or one Scottish Police Board that did not relate to local needs. A different comment made by another Board member reflected on some aspects that they felt had not been considered regarding a Single Police Service including the question of what would happen with the Conveners Forum.

A senior police officer in case study 10.2, was of the opinion that there would be a Single Police Service and, although not against it, was concerned regarding the dangers that the funding of the police would move away from the 49%-51%, local-national provision. The concerns related to the possible reduction in local accountability through increased Government control.

Some Police Board members were profoundly against a Single Police Service and gave a strong condemnation of it. Examples of these concerns are shown in case study 10.2. The concerns included those of a Board member, who was an ex-police officer who indicated serious worries over local accountability. The Police Board member, who still seemed to strongly identify themselves with the police service, voiced concerns over Scottish Government influence in policing with a loss of local influence on policing accountability. The other interviewee, replicated in case study 10.2, was even more profoundly against a Single Police Service suggesting that there was no evidence, anywhere, that a Single Police Service had a good business case.

## Case Study 10.2

### Concerns Regarding a Single Police Service

*“I mean again obviously what will be extremely interesting is how the funding position will be resolved if we do go to a single Force, because I’ve certainly heard talk of the Scottish Government wanting to control all the funding which it delivers to policing which kind of takes the 49%-51% out of the equation which is an extremely dangerous route from my perspective but there is, even if we do go to one, there is opportunity for that local, and we do have local accountability at the moment anyway you know through the neighbourhood policing teams and local Inspectors and so on it’s just I guess a question of how you formalise that and then how you actually ensure that works at the top of the organisation as well as the bottom.” (Senior Police Officer)*

*“I believe local accountability is absolutely paramount in policing. I’m an old fashioned Police officer in that regard and feel that the further you distance yourself from the community the less effective your policing programmes are. People do not own or have ownership or share in your vision for policing you have to take that on-board and not be controlled by Central Government and I was always pleased in my time in the police that policing was not influenced by the political agenda at all but I can see moves to influence policing through the political agenda and that bothers me.*

*Don’t just endorse additional resources and so on look at what they’re doing with the resources and ask the questions as I say and where is the impact coming from and generally speaking the impact is coming from the Government. So these are issues that we can set the direction on this, one thing we can’t do is influence the Government aspect but what we can do is I’m sorry Chief Constable your focus of attention is far too much on government to the detriment of local community need.*

*So this is what worries me in this proposal for a single police Force that really worries me because at least we can display and show the influence the Board has at a local level on alternative policing. While we cannot influence the national agenda we can most certainly be able to scrutinise what they’re doing at a national level and ensure that at a local level the strategies for local policing are kept intact and taken forward and not allowed to diminish. So this is what worries me in this proposal for a single police Force that really worries me because at least we can display and show the influence the Board has at a local level on alternative policing. While we cannot influence the national agenda we can most certainly be able to scrutinise what they’re doing at a national level and ensure that at a local level the strategies for local policing are kept intact and taken forward and not allowed to diminish.” (Police Board member)*

*“The national police Force is nonsense just because it worked for Stalin it doesn’t mean it’s going to work for Salmond in Scotland. It’s a bad idea there is no evidence of any kind it’s a good idea in anything, whether it be, you only have to look at how pathetic our ambulance service is and how there’s no local accountability - you have an awful story where a guy can be having a tea break and a woman is dying 2 doors up of a heart attack, that wouldn’t happen if you had crabbit old Councillors involved in asking why that was happening. Scottish Water another one absolutely no accountability at all, everything is always somebody else’s fault and they even set up now I mean I’ve phoned them, their helpline, to ask them about a Scottish Water problem and they tell me it’s the Council’s problem, you know they are set up in that way so there’s no evidence that a centralised system does any good unless you’re a sad MSP with nothing to do and want to get a bit busier. So you get the flavour, there’s no business case - if they were saying to me you are definitely going to save £100 million if you do this I would be saying let’s give it a shot but if you take just 2 things if they do go for this one Force you’ve got about 30 Chief Officers I think or possibly more to get rid of, so presumably you’ll have to pay to get rid of them so they’re going to be getting paid to go away. You’ll never get that money back. You only have to look at regionalisation, which I am old enough to remember, when we regionalised and un-regionalised - we never ever got the money back for that. So there’s no business case and I think the other thing that’s very wrong with this consultation is that the timing is all wrong because, as Mr Salmond might know, there is an election coming and coming very soon neither he nor Kenny MacAskill will be permitted to comment because they won’t be Ministers and let’s hope that keeps up but they won’t be for the election and the civil servants are not allowed to comment either so we will be discussing this in a vacuum, when we are supposed to be out fighting an election. If I were a cynic I would say that timing is perfect but there’s no evidence that it’s a good idea from anywhere in the world.” (Police Board member)*

## Chapter 10

When it came to interviewees' concerns over a Single Police Service the main worry highlighted, as mentioned in case study 10.2, was in regards to local accountability. Other concerns put forward by interviewees included:

- Cost of setting up of a Single Police Service.
- Interference from Scottish Government/politicians.
- National concerns given priority over local.
- Loss of local police knowledge.

Although an interviewee was in support of a Single Police Service it did not necessarily mean that they had no concerns over its implementation. There were concerns expressed by interviewees, including senior police officers, as to what accountability would be in place:

*“I think a single Force does challenge the sort of almost truism now of the tripartite arrangement because a single Force, which I am supportive of operationally I think it’s actually in service delivery terms and squeezing out efficiencies and being more effective and more agile and all of that a single Force is what we should do. But once you make that decision then you start asking questions about how does accountability work and how do you safeguard the relationship between the Chief Constable and the Convenor of a Police Authority and/or the Cabinet Secretary for Justice and all of that.”* (senior police officer)

When it came to the governance of a national police service there was no clear thought on the direction that should be followed. Most interviewees wanted to ensure local accountability although there was no clarity in how this could be accomplished. A Single Police Board was mentioned by several interviewees as a governing body although there was concern over how this could operate and ensure local accountability:

*“I suppose that’s where the danger is when you talk about national Boards and national priorities and national strategies, they are so far removed from local realities and every community is different or slightly different in the very least. So the more you have kind of tucked away in a room full of usually eight men the less relevant you are to communities in Scotland.”* (Police Board member)

A suggestion put forward by several of those in favour of a Single Police Service for accountability was the implementation of district policing partnerships at Local Authority level performing as a local Police Board. The Police Board or district policing partnership would hold the local policing Commander to account and not the Chief Constable. The District Planning Partnership would have the authority to agree local priorities and targets. The interviewee felt that this would not negate the need for a National Policing Board to overview national policing needs. It was also suggested that a National Policing Board’s powers should be limited to ensure avoidance of political interference in operational issues.

### **10.2.3. Three to Four Police Forces**

The idea of three to four police Forces obtained support from a large number of Police Board members. It appeared that this was a concession from most Board members that there was a need for change but reduction to a Single Police Service was too far for some to ensure local accountability. One Police Board member made the following reply which highlighted a concern of the loss of identity from the introduction of a Scottish Police Service:

*“I can see fewer Police Boards but I hope that not one Unitary Authority, Christ it will be like some massive organisation the identity of individual bits of it will be lost.”*

Another Police Board member said that they thought a national police service was dangerous, but did not give supporting evidence of this. The Police Board member did

foresee the need for change but felt that a structure with three police services would also allow for each service to benchmark and learn from the other.

A senior police executive thought that the evidence pointed to three or four police services. The feeling was that this would be right in terms of proper effective local accountability when set against national drive imperatives, national Ministerial wants and getting that right balance, as well as from a best use of resources perspective. The senior police executive also indicated that they might be persuaded on the merits of a national police service if it could be shown that it would deliver the optimal solution locally and nationally.

### **10.2.4. Status Quo**

One Board member was in favour of the retention of eight police services but did not give any further evidence in support of this other than the idea that eight police services was working well and that *“if it’s not broken don’t fix it!”*. Although the support for the status quo was minimal there was an indication from many interviewees that there was a tremendous amount of pride in what had been accomplished by their own police service.

### **10.2.5. Reform, Other**

Even though an interviewee was opposed to a single Police Service it did not mean that they did not see any need for a change in policing governance:

*“I am utterly, utterly opposed to the idea of a Scottish National Police Force. But I do think there needs to be a reform of the law regarding the governance of the police.”* (Police Board member)

A Police Board member suggested that they felt local community policing of what they classed as low level crime (including anti-social behaviour) should be dealt with by police services reflecting local boundaries. The Board member felt that this

allowed the strongest accountability for police Forces where they were contiguous with the Local Authority. On the other hand, the Board member suggested that serious and organised crime should be dealt with by a national police service.

Although several interviewees were of the opinion that the decision over the number of police services had already been decided prior to any consultation, there were other interviewees who were open to consider any properly discussed option. 32 police services (one per Local Authority) was also a suggestion put forward by several interviewees as a way of maximising local accountability. 32 police services were not a new idea as illustrated; rather tongue in cheek, by a Police Board member below.

*“I just think they are running headlong into it and you know they need to sit back and look at everything. I don’t know, about two or three years ago I was at a function in Edinburgh and it was the 150th anniversary of the HMIC and it was Paddy Tomkins who read from the actual HMI Report from 150 years previous and would you believe there were 32 police Forces in Scotland, what a coincidence 32 Local Authorities, but they did go down the line that there were 32 police Forces in Scotland most of which had a Chief Constable .....and not every Chief Constable had his own horse.”*

Another Board member also wanted to retain local police Forces and suggested that there could be even more police services than eight. The Board member suggested that rather than reduction in police services, more centralisation of services for the police was required including, for example, payroll and human resources.

On the other hand, a Police Board member indicated their support for a single emergency service that included police fire and ambulance, proposing that the savings that were suggested by implementation of a single Police Service could be increased by including fire and ambulance. Not only would it reduce the number of senior officers, it would reduce the need for support staff. The Police Board member indicated that not only did they think this would work as a one Force emergency service but would also work for a three Force emergency service.

**10.2.6. Other Comments**

Most interviewees acknowledged that there was a need for some form of reform to policing and policing governance in an age of austerity. There was, however, concern voiced from many of the interviewees regarding the speed and intention of the Scottish Government consultation and its subsequent consideration for the future of policing. This is exemplified by the responses from three Police Board members in the following case study, 10.3.

**Case Study 10.3**

**Other Comments**

*“I’ve got concerns that the Scottish Government have made a decision, this is their preferred option to go to a Single Police Force and a Single Fire Service, and now they’ve gone out to consultation and it looks as if they are looking for the evidence to support their initial view. I would have thought they would be better, these are the options - quite openly these are the options - not stating your preference, and then going out to consultation but it has to be supported by evidence to say there will be savings. Show us. What about the transitional costs? That’s never been mentioned. There are a whole, and I’m really concerned at the speed that we are going down the restructuring agenda and not having time to sit back and look at it.” (Police Board member)*

*“In my mind I have great reservations in terms of what is going on at the moment. It’s on two fronts the front is looking at a single Police Board for Scotland which the consultation document leans very very heavy towards that. I’d see the Consultation document as flawed in that regard because there are more options than three much more options than three but they only give three but the one they’re looking for is the single police Force in Scotland that’s obvious to me. Also obviously looking at the other side is the way they’ve drawn the Convenors from Scotland fire and police into a single unit in Edinburgh. That’s the first step towards a single police Force and a single fire service and that’s the template they’re using to test the water.” (Police Board member)*

*“Without being political about it, I am sure that when you look at it a Nationalists’ viewpoint will always go for Scotland is best. We are a small nation so that’s always the rhetoric around that and I would go wider and look at it and say MSP’s or MP’s are always going to say sook it all into the centre because they always want control of it. So I don’t think in the model of having a strong Strathclyde Police Authority they can have a direct influence and I think that’s part of the issue. It’s the same reason and being someone who is reading this you know fine well that it’s the same arguments they had about the region. They didn’t like Strathclyde Region, they don’t like Strathclyde Police Authority and they don’t like Strathclyde Police Force and I think it is because of the power so I think they couldn’t directly influence but at the same time what they could get is the hassle of half the police in Scotland saying we don’t like something and it’s all your fault.*

*My firm view of accountability is it should be at the most localised level possible so there will be areas, for example counter-terrorism, defence, social security, that should be at the highest level possible so that’s stuff that should sit in the UK Parliament. We’ve got devolution in Scotland there will be areas that we’ve got sitting in the Scottish Parliament but you should be starting from the bottom up. In terms of policing, at a strategic level - fair enough, but see when you talk about localised policing nationally it rests with local communities so doing away and doing some half measure of saying well we’ll have Local Government Committees of policing is patronising and it’s insulting to Local Government as well. If I’m going to sit down and talk to my local Commander about how (location removed to assist in anonymity) is being policed I will do that, I don’t need a formal committee to do that. What we were doing was put in strategic priorities and I know fine well we wouldn’t of had the community policing model we’ve got now if it wasn’t for local accountability forum which the Police Authority has.” (Police Board member)*



The responses in case study 10.3 suggests that these interviewees were of the opinion that it had already been decided by the Scottish Government that there would be a single Police Service. There was also a concern voiced over the possible loss of local accountability and the fear of the Scottish Government increasing its power over the police. In addition some interviewees mentioned that the debate over the future of policing in Scotland was perhaps missing out on the main area that should be discussed. There was a suggestion that a discussion on policing should also have included focus on quality of local policing and protection of the public, as suggested by a senior police officer below:

*“The structural debate for me is not helpful, it’s masking the debate on what we should be talking about, which is about the quality of local policing and how you really enhance that, the ability to protect people from harm, how do we make sure we have a national capability that protects from the more serious end of the business and how do we drive out deficiencies and reduce cost and become more effective and efficient and productive.”*

There was also a suggestion from a senior police executive that whatever number of police services there was going to be, there needed to be change in legislation to facilitate effective collaboration. The senior police executive pointed to procurement legislation at the time of the interview getting in the way of collaborative working and shared services.

### **10.2.7. Additional Support**

There was a difference in the additional support received by members of all eight Police Boards in Scotland. The number of Board assistants ranged from one part-time assistant to eight full time assistants<sup>91</sup>. There was a variety of responses from all Boards with no consensus from any Board as to the need for additional Board support, although most recognised the constraints of financial restrictions. Interviewees were also asked what additional ways that their Board could be supported in its work.

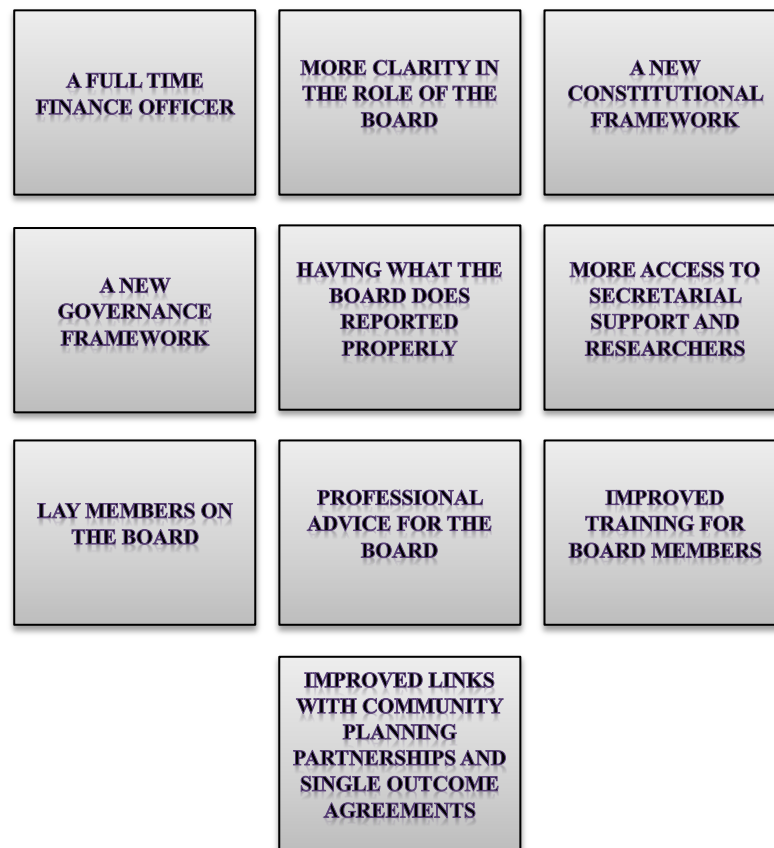
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<sup>91</sup> As at June 2011.

There were several responses from interviewees as to what they thought could be of assistance to the Board. This not only included the need for support personnel, many interviewees also included other areas they thought where support could be provided.

There was no overall consensus as to any particular additional support measure that should be provided and a few interviewees indicated that they would rather wait to see developments in policing in Scotland before giving an opinion. The following figure, 10.2, includes all the support ideas put forward by interviewees that they thought would help to improve Police Board governance in Scotland.

**Figure 10.2 Suggested Improvements to Support Policing Governance**



(Source: Interviewee responses)

The suggestion repeated most was the thought that the assistance of a full time finance officer should be a serious consideration. Some interviewees commented that they

were happy with the support they had, whilst other interviewees indicated although they could possibly be assisted with some form of support they felt the cost would be too excessive at a time of cut-backs. A Board member from a large Board thought that their Board had too many assistants and was unclear as to what they all did:

*“I think the amount of money that’s being spent on the Police Authority is ridiculous. I don’t know what people in the Authority do; I don’t know why the Board has to have a press officer, I mean, why should the Board have a press officer? I’m appalled actually at the growth of an empire along there and I can’t really see any justification for it in the current financial climate.”*

Most Board members were conscious of financial constraints for employing additional support staff. Although agreeing about the justification of additional support in the ‘current financial climate’. However, a Board member, in case study 10.4, contrary to the above Board member, expressed their support for a press officer if money was no object.

On the other hand, a Police Board member from the same Board compared the number of Board assistants in a similar sized non-Scottish police Force to their own Force. The Board member suggested that their number of assistants compared unfavourably to some similar sized police Forces in England or the Police Service of Northern Ireland, which had around 60 members of support staff. A concern over additional support suggested that in England where there was a larger number of support staff, there often appeared duplication between Police Board and police work.

A member of a medium sized Board suggested that they could have done with more support but did not restrict their comments to the Police Board. The Board member took the opportunity to voice concerns which included their thoughts that most Councillors received poor support and remuneration in their daily duties as a Councillor. An example of this is shown in case study 10.4. Another Police Board member, also in case study 10.4, added that in their opinion Board support staff should be improved and a similar situation would not be tolerated anywhere else in the

public sector. The interviewee also suggested a full time finance officer should be essential.

### Case Study 10.4 Additional Support

*“Well frankly we have lots of demands in terms of support for myself as a Councillor, both in my Council work, in my (area removed to assist anonymity) work and in my policing work. I don't think we are half well enough supported actually. We come from a tradition of enthusiastic amateurs but actually it's a very, very demanding job now being a Councillor and I share one PA with I think it's 6 other Councillors, that's all the secretarial support I have. There's a little bit of research, well there's a researcher likewise whom I share with 13 Councillors, I think that in the world of modern Local Government and policing I think that the Councillors and the members of the Board should have a lot more support.....I'm working not only 9 to 5 but out most evenings so I feel that the job of being a Councillor needs..... our administrative support is very, very poor. Not only that but our pay is very poor.” (Police Board member)*

*“If money was no object, then I would probably have a bigger team at least as big as Strathclyde have with a Chief Executive and a few other members of staff, having their own dedicated press person for instance, I'd like to do that because it would get more stories about the Board out there.” (Police Board member)*

*“In terms of support staff, I said before that you wouldn't get anywhere else in the public sector where you would just expect elected members to do it all for themselves let alone when they are dealing with the police. It shouldn't take someone who is a Councillor to actually say that they should be screaming out about that in Edinburgh. They should be saying these guys need people who know what they're talking about supporting them. You should have officers sitting round that table saying wait a minute Chief Constable I want to ask you about that because that's what happens elsewhere. You don't hold a Chief Executive to account by just putting him in front of a group of (number omitted for anonymity) Councillors you know you get the information, you get the reports that are prepared for you, you get all the preparation of members, members will have questions, there will be parts of the papers they don't quite understand. At the moment they've got two choices, they can either go to an over-worked Chief Executive of the Police Authority or they can go to the Chief Executive and just get reassurance that everything is all right and it's obviously the latter that people choose to do. Unless you set Police Authorities up properly you are never going to achieve it.*

*Lastly, about one individual role, it should be compulsory that effectively you have a full-time Finance Officer for the Police Authority. It's all about the money. It's funny how no Police Authority in Scotland has a finance person. A few lawyers but not enough people who know where to look and I have to say that's probably the biggest shame.” (Police Board member)*

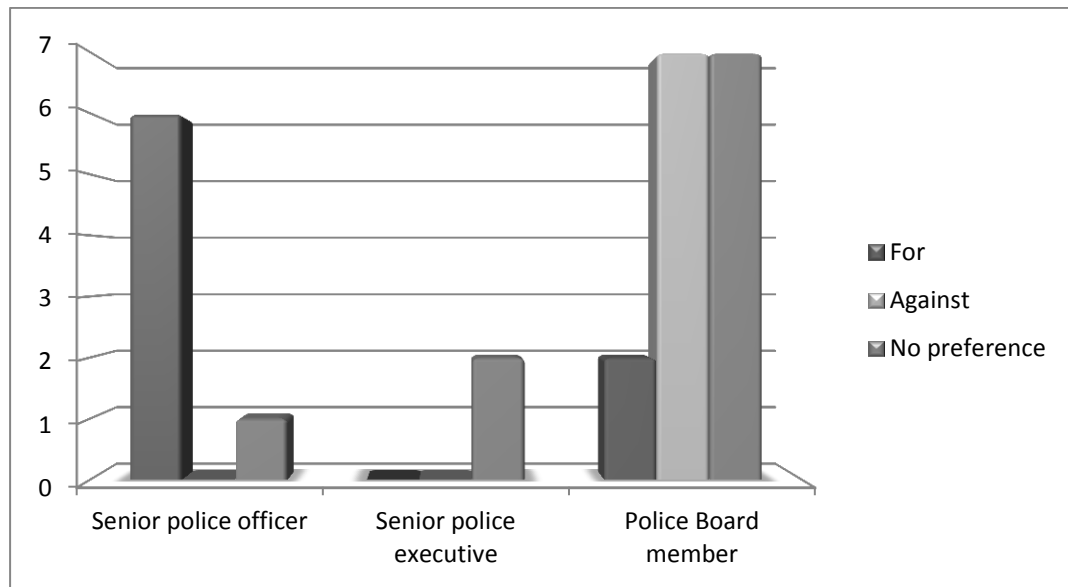
### 10.2.8. Appointed Independent Board Members

Most interviewees were aware of the make-up of Police Authorities in England and Wales, at the time of the interviews, comprising of both Councillors and appointed independent members<sup>92</sup>, otherwise known as lay members. Interviewees were asked what their thoughts were on appointed independent members for Police Boards in Scotland. 25 interviewees responded including seven senior police officers, two senior police executives and 16 Police Board members. An interesting aspect of responses was that whilst most senior police officers gave favourable comments on behalf of appointed independent Board members, Board members were, in general, less favourable with only two Board members indicating that they were in favour.

All seven of those indicating that they were against appointed independent Board members were Police Board members. The remaining seven Board members each indicated that they had no preference. In general, those who had no preference also indicated that they were “*not against*” appointed independent Board members. The responses from the interviewees are indicated in Figure 10.3 which lists the position held by the interviewee and whether they were in favour, against or showed no preference on the introduction of appointed independent members to Police Boards in Scotland.

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<sup>92</sup> Prior to the replacement of Police Authorities with Police and Crime Commissioners.

**Figure 10.3** Opinions on Appointed Independent Board Members

(Source: Interviewee responses)

It should be noted that although an interviewee has indicated an opinion in favour of appointed independent members this indicated that they could see advantages of appointed independent members and did not necessarily mean that they believed that their Board make-up should have been replaced.

The responses were examined to ascertain the reasons that were given in support of the interviewee's position in regards to appointed independent members. The main reasons for and against appointed independent members are replicated in Figure 10.4.

**Figure 10.4 Reasons For and Against Appointed Independent Members**



(Source: Interviewee responses)

The main reasons given above for appointed independent members are further illustrated by the responses from interviewees shown in case study 10.5. The main repeated reason given for an interviewee's position against appointed independent members was the threat of people applying who had extreme positions.

**Case Study 10.5**

**Appointed Independent Board Members**

*“In terms of capacity and capability I don’t think they have the expertise to actually ask the right questions. I don’t mean the Board I’m talking about officials you know in terms of preparing Board members and I don’t doubt the quality of our Councillors but if there was a model that allowed partial, a bit like other parts of the UK where you have partially elected members on the Board and then appointed people, you could actually have broader diversity and actually be appointing some expertise straight on to the Board you know people who actually know and understand the HR piece or the change management piece all of that.”* (Senior police officer)

*“The interesting bit for me is the dynamic around the make-up of the Police Authority in Scotland as opposed to in England and in Wales. Clearly they are all Councillors up here which from a democratic perspective one might argue actually strengthens that local accountability. However, there is a tendency perhaps for Councillors to be very interested in local policing issues and perhaps not have the same interest or understanding in some of the more corporate or strategic elements of policing. That again was slightly different to my experience in England where, if you like, there were lay members of the Board or Authority at that point who could take a step back and who could take a more coherent overview of the policing in the round as opposed to local policing delivery.”* (Senior police officer)

*“I would fear for the demigod for the Mr Daily Mail. I think you would end up with rather extreme positions being taken by people elected to it and you are better off with people like myself.”* (Police Board member)

*“I would be concerned about that. I saw it started to develop down in England where the BNP were organising themselves to get themselves onto Police Boards, there’s the opportunity up here to do likewise and I would be concerned about that.”* (Police Board member)

Overall, there was no clear preference from interviewees regarding appointed independent members on Police Boards in Scotland. However, there was a clear divide between the opinions of senior police officers and those of Police Board members. Senior Police officers were, in general, in favour of the introduction and provided reasoning for their opinion. Senior police officers saw the addition of appointed independent members as an aid to Police Board members. The Board members, who expressed any view generally, saw appointed independent members as more of a threat than a benefit.

It should also be added that when interviewees were responding to this question their comments were in regards to appointed independent Board members in addition to elected Board members. This was a reflection on how Police Authorities in England

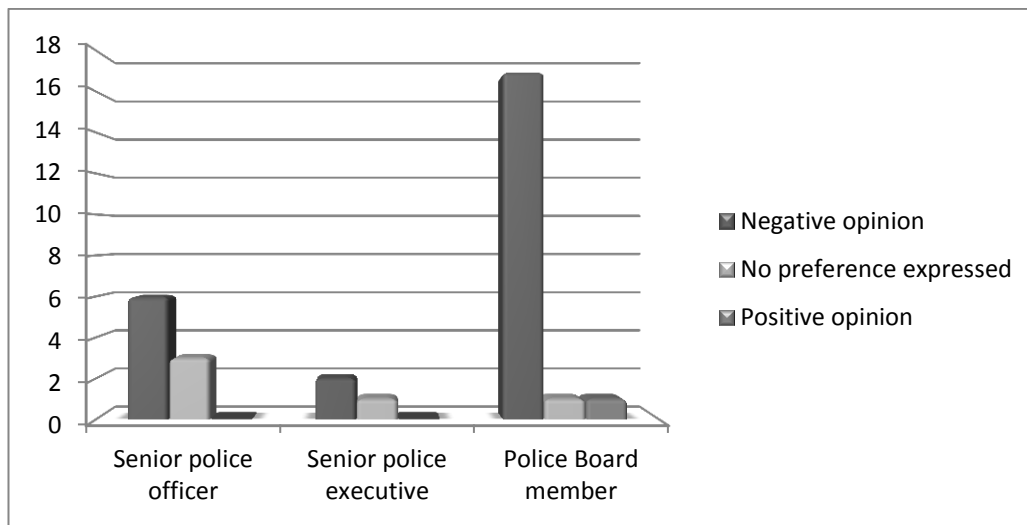


and Wales were operating at that time and prior to the implementation of Police and Crime Commissioners.

### **10.2.9. Commissioners**

The interviews took place during the period that the United Kingdom Government had introduced legislation regarding Police Authorities in England and Wales being replaced with Police and Crime Commissioners. Although no Commissioner was considered for Scotland a Government appointed Chair of the SPA may be seen to have some of the attributes associated with Commissioners without the democratic accountability of the public elections of Police and Crime Commissioners. However, the poor public turn out for initial PCC elections in England and Wales appears to add little to the democratic accountability of Commissioners. Interviewees were therefore asked their thoughts on Commissioners for police governance. A total of 31 interviewees responded, the majority of interviewees (25) were against or unsure of the idea of Commissioners. Five interviewees gave no preference or indicated that they would rather wait and see how the Commissioners operated in England and Wales when they were set up. Figure 10.5 shows the general tone of the replies from interviewees. Only one interviewee replied that a Commissioner could be successful in Scotland although their reply was limited to one sentence.

*“I would think for a country the size of Scotland it could be quite successfully achieved with a single Commissioner.”* (Police Board member)

**Figure 10.5 Opinions on a Commissioner**

(Source: Interviewee responses)

The majority of comments from interviewees indicated a negative opinion for the introduction of Commissioners. Some interviewees were so against the introduction of Commissioners that they commenced their response with expletives. Some interviewees' thoughts on Commissioners as illustrated in case study 10.6.

### Case study 10.6

#### Commissioners

*"The idea of elected Chairs I think it sounds good, it sounds very democratic but that person would be constantly lobbied and would find it very difficult to take the difficult decisions that have to be taken if you know what I mean. I can't give you a police example but in Local Government you have to locate your incinerator somewhere and somebody has to take that difficult decision and if you had a directly elected Chair of the cleansing Committee that decision could never be taken. There are equivalent decisions that have to be taken in relation to the police so I don't like that idea at all. I don't think it will happen in Scotland, I hope not."*  
(Police Board member)

*"Strong thoughts. The idea of a Commissioner is bonkers, absolutely crazy"* (Police Board member)

*"Nightmare, nightmare. There would be nobody asking questions, would there."*  
(Police Board member)

*"I think it's an horrendous, absolutely horrendous idea"* (senior police officer)

The main reasons given by interviewees against the introduction of Commissioners for the governance of Police Boards are illustrated in Figure 10.6 below.

**Figure 10.6.**  
**Reasons**  
**given by**  
**interviewees**  
**against**  
**Commissioner**

- Too much authority and responsibility in the hands of one person
- Questions of accountability of Commissioner
- Opportunity for malpractice
- Opportunity for political fringes to gain a foothold in policing
- Questions over democratic mandate of Police Commissioner
- May lead to interference in operational matters
- Potentially open to political manipulation
- Quality of individuals putting themselves forward for the post
- No better than current system
- Lack of accountability
- Lack of local policing accountability
- Cost of implementation

(Source: Interviewee responses)

Some interviewees who were aware of the introduction of legislation on Police and Crime Commissioners in England and Wales also voiced concern over the speed and apparent lack of research and consultation for the introduction. There were also some concerns voiced over the drafting of the legislation.

### 10.3. Discussion

Chapters 5 to 10 of this thesis provided information to assist in the answer to research question 4: *What lessons do the perceptions of practitioners provide for the future governance and accountability of policing in Scotland?* In addition The Police and Fire Reform (Scotland) Act 2012 put in place legislation to indicate what the future role of the Scottish Police Authority will be. The review of this thesis is, therefore, an important addition to exploring the future governance of the police in Scotland and what the Scottish Police Authority can learn from the Police Boards.

This chapter discussed the pre-reform thoughts of the interviewees on the future of policing governance in Scotland and the results are discussed below. In preparation of any change to policing in Scotland the Scottish Government carried out a consultation on the reform of police, fire and rescue services in Scotland<sup>93</sup>. The responses to the consultation were subsequently independently analysed and the results published (Nicholson (2012)). These results of the Scottish Government consultation are compared to the above interviewee responses in this summary where relevant.

Although the consultation and decision on the future of policing in Scotland were contemporary to this report, a single Police Service has been on the agenda for some time. The 1962 Royal Commission (Para. 128) although rejecting a national police service indicated that there was a substantial case for a national police service in the United Kingdom. Prior to any consultation Donnelly and Scott (2006) also indicated that, in their opinion, there would be a national police Force in Scotland. Their final comments at that time were pointed towards a national police Force in Scotland:

*“The strategic, operational, performance and accountability imperatives are all clearly pointing the way forward, and that way forward is a national police service for Scotland. All together now!”*

Donnelly and Scott (2006, p.303)

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<sup>93</sup> The Scottish Government, (2011).

Interviewees gave varied responses to their perceptions for the future of policing and police governance. When interviewees were asked for their thoughts on the future number of police services there was a marked difference in the responses given from Police Board members and senior police officers. Of those who commented on the future number of police services and expressed an opinion, 100% of senior police officers were of the opinion there would be a Single Police Service. In contrast the majority of Police Board members were in favour of or thought there would be three to four police services. Only one interviewee was in favour of the status quo of eight police services and supported their decision with the statement *“if it’s not broken don’t fix it!”*

Most interviewees accepted that there needed to be changes in the structure of Scottish policing but had concerns over how this would be accomplished. The concerns that were put forward about a single Scottish Police Service included loss of local accountability, cost, political interference, loss of local police knowledge and the prioritisation of national concerns over local. Police Board members in particular expressed the opinion that a three to four police service structure offered the benefits of cost savings whilst retaining a reasonable measure of local accountability.

Although limited support from Board members interviewed above, the 2012 Scottish Government consultation indicated a more favourable response for a single Police Service. The consultation suggested *“broad cross-sector support”* for a single Police Service, including the SPSA and SCDEA, led by a single Chief Constable and accountable to a Scottish Police Authority. However, the argument by scholars, such as Reiner (1993), Scott and Wilkie (2001), Maguire et al. (2002) and Donnelly (2008) over the balance of tripartite governance accountabilities was echoed by some of the respondents to the Government consultation. It was indicated that not all respondents to that Scottish Government consultation were convinced on the proposed governance arrangements:

*“Seven respondents questioned how the SPA will operate as both service provider and the governing body, and recommended that further consideration be given to the accountability aspects of this arrangement.”*

Nicholson, L. (2012, Para. 3.4)

To ascertain the needs of Police Board practitioners and gain an insight into how to improve how they operated, interviewees were also asked how the Police Board could be better supported. There was a variety of responses which included better training for members, professional advice for the Board, improved links with CPPs and SOAs, more clarity of the role of the Board, new governance and constitutional frameworks. Also on the wish list were additional support personnel in various categories including finance, secretarial, Board member advice, a press officer and research assistance. Green (2005) suggested that the Audit committee was an essential element and added value through the provision of sturdy overview. The Scottish Government 2012 consultation recommendations gave similar recommendations to the above, including a call for more clarity around the role of governance. In addition to support for a statutory framework for governance, the most common recommendations from the 2012 consultation included a greater focus on partnership working, working with communities and early intervention and prevention functions. This echoes Lustgarten's (1986, p.77) reference to local consultation as an essential point to efficiency.

At the time of the interviews the future governance of policing had not been decided and the use of appointed independent Board members was still a possibility. Interviewees were, therefore, asked for comments on appointed independent Board members. It was again interesting to note that the majority of senior police officers expressed a support for appointed independent Board members whilst there was only support from a minority of Police Board members. The main reasons given in support of appointed independent members were that they could bring expertise, would be focused on police governance, seen as non-political and may give a more coherent overview of policing. The reasons given against appointed independent members were mainly from Police Board members and included concerns over:

- Lack of democratic accountability.
- Applicants with extreme positions.
- Not meeting community priorities, and,
- A worry that this might lead to the implementation of a Police Commissioner.

The 2012 Scottish Government consultation paper<sup>94</sup> put forward two methods for appointment of members to the Scottish Police Authority: nominations by COSLA, and appointments by ministers. The main views that were given by consultation respondents were as follows.

#### **Views on nominations by COSLA**

- *Reflecting geographical and socio-economic diversity.*
- *Linking with Local Government.*
- *Accountability.*
- *Achieving political balance.*

#### **Views on appointments by Ministers**

- *Independence of SPA could be called into question.*
- *Will create tension with Local Government over any appointments made.*
- *Open to political interference.*
- *Could create a policing quango.*

Nicholson,L. (2012, p.12)

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<sup>94</sup> Nicholson, L. (2012).

In addition to the above, respondents to the 2012 Government consultation put forward three further main suggestions for appointment of SPA members, including appointments by existing Police Authorities/Joint Boards, by Local Councils or by MSPs. None of these suggestions was progressed. It is clear from the main views above that interviewees in this thesis and respondents to the 2012 Government consultation had concerns over appointment of Board members by Ministers.

As put forward by Savage et al. (2000) a central issue of governance is who or what shapes governance. Taking into consideration findings from this research and the Scottish Government 2012 consultation it is, perhaps, surprising to find that the Scottish Government decision outlined by the Police and Fire Reform (Scotland) Act 2012 appears to reject or ignore suggestions and recommendations of those consulted and decides that the SPA would be made up of members appointed by Scottish Ministers. However, this does tend to support the suggestion from some interviewees in Chapter 9 that the Scottish Government had its own agenda and distributed consultation exercises only to be able to say that it had done so.

The introduction of a Commissioner was something that worried most interviewees and was a concern shared by senior police officers, senior police executives and Police Board members alike. Only one out of 31 interviewees who commented on Police Commissioners gave a favourable response. 25 of the interviewees indicated they were against introduction of a Commissioner in Scotland, many of whom were strongly against. An Audit Commission consultation by the Rt. Hon. David Blunkett, MP (2009) recommended that the idea of Commissioners for England and Wales be dropped and Police Authorities be retained. The consultation put forward many of the reasons given by the above interviewees to support their position for retention of the Police Authorities. In addition, the review by Rea et al. (2009) which looked at differing combinations of elected and independent members in several countries came to the conclusion that direct appointment to the Police Board by the Mayor was no more accountable. Nonetheless, Commissioners were subsequently adopted in England and Wales.



## Chapter 10

It is, therefore, suggested that the concerns of the majority of interviewees regarding Commissioners and perhaps an appointed Chair are supported by such research findings<sup>95</sup>.

Chapter 9 of this thesis suggested that democratic policing may be at stake and is particularly relevant to the police governing body. No Commissioner is planned for Scotland and the Police and Fire Reform (Scotland) Act 2012 legislates for the Authority and Chair appointed by Ministers. However, although no comments were asked by the researcher about appointed Chairs it is suggested that many of the reasons given by interviewees in Figure 10.6 against a Commissioner may still be valid for a Scottish Government appointed Chair. In particular it is suggested that the perceptions of interviewees, illustrated in Figure 10.6, on Commissioners and Nicholson's (2012) views by respondents on appointment of SPA members by Ministers are considered. These considerations should particularly reflect the accountability of the SPA and Chair, the overview of local policing accountability, the potential of the openness of the Chair/SPA to political manipulation, questions over democratic mandate and the independence of Chair/SPA, potential of Chair/SPA to interfere in operational matters and the consideration of tension with Local Government over any appointments made.

There was diversity from the interviewees on their thoughts on the future of Scottish policing. Previous chapters have indicated there was also a lack of clarity from interviewees as to what the role and functions of the Police Board were. What is clear from the majority of interviewees and other sources is there was a demand for accountability and scrutiny of the police and that a Police Authority should be transparent in its business and accountable to the public. The formation of a Scottish Police Force and a Scottish Police Authority gives the opportunity to learn from Police Board governance and to clarify members' roles, ensure that they are transparent and accountable and enable the Authority members to better perform their

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<sup>95</sup> The elections were held for the PCC on November 15<sup>th</sup> 2012. The reported poor turnout of voters in some areas of around 10% may have given credence to many of the concerns raised by the interviewees.

duties. It is hoped that the perceptions of interviewees discussed above will assist in these undertakings.

#### **10.4. Key Research Findings: Perceptions on the Future Role of Police Governance in Scotland?**

- When it came to interviewees' views on the future number of police services there was a difference in opinion between senior police officers and Board members. Of those interviewees who expressed an opinion 100% of senior officers thought there would be a single Police Service whilst most Board members indicated a three to four Force make-up.
- Interviewees indicated a variety of ways that Boards could be better supported, including better training for members, professional advice for the Board, improved links with CPPs and SOAs, more clarity of the role of the Board, new governance and constitutional frameworks and additional support personnel in various categories including finance, secretarial, Board member advice, press officer and research.
- Although there were reservations from some Police Board members there was support for appointed independent Board members, which was suggested could be appointed by existing Police Authorities/Joint Boards, by Local Councils or by MSPs.
- The introduction of a Police Commissioner was something which had a consensus from most interviewees. Almost all interviewees were against the implementation of a Police Commissioner. Some reasons given against a Police Commissioner may also be relevant for a Scottish Government appointed Chair.

## **Chapter 11**

### **Key Research Findings and the Scottish Police Authority**

#### **11.1. Introduction**

Chapter 11 critically discusses the findings from the thesis and how they relate to police governance and the establishment of a Scottish Police Service. The chapter was written following the publication of legislation governing a Scottish Police Service and the SPA. The chapter briefly reviews the legislation for a Scottish Police Service and a Scottish Police Authority (11.2.) before discussing the Act in more depth with particular review of the SPA and how it relates to findings from this thesis (11.3.-11.4.). The chapter makes use of the research from this thesis to examine the legislation and offer advice and guidance where applicable. For ease of reference this reflective review will commence with reference to Chapter One Schedule 1 of the Act and thereafter systematically work through the Act commenting briefly, as appropriate, on areas reflected on by this thesis relevant to the SPA. The chapter will then discuss the research findings in more depth and comment on how they may relate to the SPA and police governance in Scotland. The chapter is not meant as an analysis of the Act but is a reflection on the findings from this thesis and how it may inform the Scottish Police Authority in theory and practice. The Act refers, in general, to the SPA as the Authority and, hence, references in this chapter to the Authority and the SPA are references to the Scottish Police Authority.

#### **11.2. The Police Service of Scotland**

Partly as the need for austerity measures in the public sector including the police service in Scotland, the Scottish Government ran two written consultation exercises between February and May 2011 on the future of policing in Scotland. These exercises proposed several options for reform of the Scottish police services<sup>96</sup>. Having

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<sup>96</sup> <http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/ConsultationFuturePolicing>.

considered the replies from the consultations the Scottish Government subsequently announced its preferred option of a single Police Service as the best way forward. A further written consultation paper outlining the proposal to set up a Single Police Service in Scotland was circulated in September to November 2011<sup>97</sup>. Following this consultation the Scottish Government considered the comments to shape the final proposals and legislation.

On 16th January 2012 legislation for reform<sup>98</sup> was introduced to the Scottish Parliament. The Bill was subsequently passed on 27<sup>th</sup> June 2012 as the Police and Fire Reform (Scotland) Act 2012, hereinafter referred to as the Act. It was confirmed that on 1st April 2013 all eight Scottish police services, along with the SPSA and SCDEA, would merge and there would be a single Scottish Police Service, to be known as ‘The Police Service of Scotland’. Since the presentation of the legislation the single Scottish Police Service has become known as Police Scotland (Figure 11.1).

**Figure 11.1** Police Scotland Logo



Amongst other changes, the Act also provided for the dissolution of the Police Advisory Board for Scotland, the renaming of the Police Complaints Commissioner as the Police Investigations and Review Commissioner. The Accounts Commission audit function was also transferred to the Auditor General. The Act also provided for

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<http://www.scotland.gov.uk/Topics/Justice/public-safety/fire-and-rescue-services/fire-reform>.

<sup>97</sup> <http://www.scotland.gov.uk/Publications/2011/09/15110325/0>.

<sup>98</sup> Police and Fire Reform (Scotland) Bill.

governance of the police service through the establishment of a corporate body known as the Scottish Police Authority (SPA). Which Justice Minister Kenny MacAskill stated was: *“the new national voice of policing, supporting and challenging the single service, it, not Government will hold the service to account”*<sup>99</sup>.

The Act provided that the SPA would consist of a Chair and 10-14 other members who would all be appointed by Scottish Ministers. Appointments for the first Chair and members were completed in early September and late October 2012 respectively. The SPA has a responsibility for budget of around £1.4 billion, more than 17,000 police officers and 7,000 support assistants<sup>100</sup>.

### **11.3. The SPA and Governance**

The main areas of the Act that this chapter reflects on, in general, relate to police governance and, in particular, those concerning the SPA or were applicable previously to Police Boards in Scotland. There are several areas reflecting on the duties of the Authority within the Act. This chapter looks to examine aspects of the Act specifically relating to the SPA and comment on them where appropriate with reflections from the findings from this thesis. There are many areas in the Act, however, which accommodate aspects where there was little discussion or comment, by respondents or interviewees during this research and, as such, they are not discussed in any depth in this report.

#### **11.3.1. Status, Structure and Governance**

The legislation of the functions of the SPA through the Act may help to clarify what Reiner (2000, p.188) saw as unclear guidance for governance by Police Authorities. Schedule 1, Part 1 of the Act commenced with the legislative enshrinement that the Authority was independent from the Crown<sup>101</sup>; this may reduce concerns of some

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<sup>99</sup> SIPR International Policing Conference 2012, Edinburgh, 22/11/12.

<sup>100</sup> Scottish Police Authority: Member Appointment - Information Pack for Applicants.  
<http://www.appointed-for-scotland.org/>.

<sup>101</sup> Schedule 1, Part 1. Section 1.

interviewees in this thesis of political interference from the Scottish Government. However the Act also provides that the Chair and members of the Authority are to be appointed by Ministers<sup>102</sup>. The appointment of members by ministers was generally an issue that was a concern to the majority of Board members interviewed and was highlighted in Chapter 10 of this thesis. These concerns included the possibility of lack of democratic accountability of members, applicants with extreme positions, not meeting community priorities and a worry that this might lead to the implementation of a Police Commissioner.

Walker (2000) put forward that the principles of democracy was the key to policing in the United Kingdom. However, it can be argued that the Government appointment of SPA members removes the perceived ability that the public were able to hold Police Board members accountable and gives the impression of a swing to further Central control over policing in Scotland. This, therefore, would tend to validate interviewees' concerns over the lack of democratic accountability of the SPA and, perhaps, the removal of the system of policing which has been in place in Scotland since the 1700s which Dinsmore indicated was controlled by "*the people*". Of course, for the SPA to be held accountable by the public there would have to be more public knowledge of the SPA than the little public knowledge of Police Authorities found by Docking (2003) and Ipsos MORI (2010). Bevir (2009) indicates that responsiveness and accountability to stakeholders along with transparency in decision making are part of his wish list for good governance. It would, therefore, suggest public awareness and involvement in the SPA is important for good police governance in Scotland.

The Act provided that there shall be 10-14 Board members and a Chair appointed to the Authority<sup>103</sup>. Chapter 7 of this thesis indicated that the number of members that their Board should have was not generally an issue for interviewees and although the Boards ranged from a membership of 11 to 34, each was seen by most Board members as suitable for their own Board. The main emphasis from Board members was for quality not quantity, echoed by Green (2005) who, referring to corporate boards

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<sup>102</sup> Schedule 1, Part 1. Section 2 (1) (a) and (b).

<sup>103</sup> Schedule 1, Part 1. Section 2 (1) (a) and (b).

indicated the need for directors that were suitably qualified and had the time to carry out their duties. Audit Scotland (2010) also found a variety in the number of board members in public bodies and found it difficult to indicate an ideal number of board members although it was indicated there should be enough members to provide skill and expertise, but not too many to interfere in collective decision making. A caveat to the suitable number of members, however, was raised by some interviewees in this thesis from smaller Boards. It was put forward by some interviewees that with a smaller number of Board members a few absences can make the Board “*vulnerable*”. As such, it may have been more suitable to ensure the full Authority Board numbers closer to 15 rather than 11. It is also worth noting that the Police Service of Northern Ireland, which could be looked upon as a comparator, has a Policing Board of 19 independent and political members. On 24<sup>th</sup> October 2012 the first members of the SPA were announced. The announcement identified 13 members including the Convenor. Although, perhaps, not as resilient as a full 15 members it is, perhaps, less vulnerable than 11 members would have been.

Section 3 of the schedule of the Act promotes the requirement for Ministers to appoint members who have suitable skills and expertise for the functions of the Authority. There has been a variety of advice and guidance put forward in this thesis regarding good governance from scholars including Cadbury (2004), Carver (2006), Huse (2007), Tricker (2009), Audit Scotland (2010) and the Scottish Government (2011). In addition to these the Nolan Committee (1996) set out seven principles of public life which should apply to board including “*selflessness, integrity, objectivity, accountability, openness, honesty and leadership*”. Although boards may have generic governance skills, each board, whether public or corporate may require individual qualities and skills from its members. As such Chapter 6 of this thesis indicates the qualities Police Board members and stakeholders felt they brought to the Board. The responses were limited but included knowledge of policing, the ability to question, being a Councillor, analytic ability, managerial experience, a hard worker and, in contrast to the first response above, a lack of police knowledge was also given as a quality. A key finding of Chapter 6 was the lack of interviewees indicating possession of strategic reasoning. This was something that HMICS (2009-2012) subsequently

indicated as lacking to some extent for most Police Boards in Scotland and is undoubtedly an area where the SPA needs to ensure it has qualities.

There was an indication from interviewees' that the Police Boards did not always do what they were expected to do. Commentators such as Lustgarten (1986), Jones et al (1994) and HMICS (2009-2012) also indicate the lack of effectiveness of Police Boards. However, as indicated by Audit Commission and HMIC (2010) there was diversity in the amount of influence exerted by each Authority. Some of these reasons for the diversity included: the size and structure of the Authority, information and expertise available to the Authority, activism of Authority, the use of statutory powers and the political make-up of the Authority. In addition, Jones et al (1994) indicate that in England the force for change over important policy issues came from external parties to the Police Authority. These are factors that the Authority should, perhaps, consider with regards to its structure. In addition to the above, Scott (2013a) indicates that the location of the SPA and the support that it is provided with (commented further in 11.3.2. below) are relevant to portraying the independence of the SPA.

### **11.3.2. Authority Staff**

The Act authorises the Authority to appoint individuals to assist it in carrying out its own functions. The support staff numbers employed by large Authorities in England and Wales and the Northern Ireland Policing Board (which employed around 60 support staff) were consistently larger than they were in any Police Board in Scotland. In Chapter 10 of this thesis interviewees indicated the additional support staff they felt their Board needed to assist them in their duties. There was a variety of responses from interviewees but the most repeated response was the provision of a full time finance officer. With the Authority having responsibility for a budget in the range of £1.4 billion it is suggested that this would be essential. Additional support staff also mentioned by interviewees as desirable included secretarial support, research staff and a press officer. It must be noted that these support staff were in addition to what the Police Board had already and, therefore, the staff that were employed by Police Boards should also be a consideration, in particular the secretary. The company



secretary was seen by the Cadbury report (1992) as having a key role to play in the board.

### **11.3.3. The Functions of the Authority**

The functions of the Authority are set out in Section 2 of the Act. This information is further developed by the Scottish Police Authority: Member Appointment Information Pack for Applicants<sup>104</sup>. This information was fairly extensive and encompassed much of what was included in the main roles for board members indicated in legislation and by the Scottish Executive (2006) as reported in Chapter 1 of the thesis. The Act should help to clarify the role of the Authority and help remedy the apparent lack of clarification indicated by this research and Audit Scotland (2010) over what role the board had. However, it should be ensured that the information is consumed by Authority members to confirm their awareness. As mentioned previously there was a variety of information for Police Board members, including legislation and Scottish Government advice, but not all Board members appeared to be fully aware of the advice.

The Authority's main functions as indicated by the Scottish Police Authority, Member Appointment Information Pack for Applicants are: to maintain the Police Service in Scotland, to promote the policing principles, to promote and support continuous improvement in the policing of Scotland, to keep under review the policing of Scotland and to hold the Chief Constable to account for the policing of Scotland<sup>105</sup>.

With regard to the interviewees' perceptions of the main functions of Police Boards, Board members and stakeholders interviewed by the researcher gave differing examples. Although the key Board tasks were set out in legislation and Scottish Government advice (primarily the Police (Scotland) Act 1967 and Scottish

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<sup>104</sup> Scottish Police Authority: Member Appointment – Information Pack for Applicants.  
<http://www.appointed-for-scotland.org/>

<sup>105</sup> SPA, Information Pack for Applicants, Background Note p.1.

Government guidance for Board members<sup>106</sup>) not all the functions mentioned in each document were given as examples of key Board tasks by interviewees. The key tasks given by interviewees were shown in Table 7.1 of this report. Many of the functions listed in the Police (Scotland) Act 1967 and Scottish Government guidance were not included in this list. Some of the functions listed by the 2012 Act were to some extent included by interviewees; nonetheless, it is obvious that it is an essential part of SPA training that members are made fully aware of the key Authority tasks.

#### **11.3.4. The Maintenance of the Police**

In addition to paying constables and providing for the carrying out of police functions Section 3(c) of the Act provides that the Authority must, before the beginning of each financial year provide, to the Chief Constable, details of how it intends to allocate the financial resources it expects to have available to it in respect of that financial year.

Chapter 8 of this thesis suggests that interviewees, other than a few senior police officers and Conveners, felt they had very little control over the police budget. This, perhaps, came in part from the impression of some that the budget was mainly consumed by wages and any other decisions on the budget were made at sub-committee level. Table 8.1 of the thesis outlines the perceptions of the main budget priorities indicated by interviewees. There was no consensus from interviewees regarding the priorities of the budget and the responses from Board members in general differed from senior police officers. The apparent limited knowledge by some Board members on the budget appeared to correspond to whether or not they participated in budget related committees. This is perhaps an area for the SPA to consider improving on Police Board governance and ensuring that, where appropriate, all members are knowledgeable on all SPA business.

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<sup>106</sup> The Scottish Government (2007) Guidance for members of Police Authorities and Joint Police Boards.

### **11.3.5. Directions**

The appointment of Authority members by Ministers may remove the implication by some interviewees that there was some political influence from Local Authorities in Police Board business. This will also help remove the perception of some interviewees that Councillors as Board members could also mean geographical bias on the Police Board. Nonetheless, the Act gives further impetus to the belief of interviewees that there can be political control over policing from the Scottish Government.

Historically, the governance of the police was seen as a tripartite arrangement between the Chief Constable, the Police Authority and the Scottish Ministers with each having equal power. It has been suggested by academics throughout this thesis, particularly in Chapter 10, that the tripartite structure is no longer equal. Indeed, it has been suggested in this thesis that the tripartite system may no longer exist; amongst other assertions, a senior Scottish Government official referring to Police Boards and the tripartite system, described it as perhaps being closer to a three way bi-lateral arrangement.

Chapter 1 Section 5 of the Act requires that the Authority must comply with any direction (general or specific) given by the Scottish Ministers. Although the Act goes on to state that direction will not be given in respect of specific police operation it does not effectively preclude directions in general police operations. This may give a further possible manifestation to the fears from some interviewees that the Scottish Government had more control over policing than the governing body. It also suggests that the centralisation drift indicated by many of the scholars in this thesis is moving ever closer to unequivocal centralisation of policing and police governance. There have been concerns raised by interviewees and scholars regarding the retention of democratic policing from centralisation although as Scott (2011) suggests it might provide the potential for a better model for oversight and accountability of policing in Scotland. The SPA, therefore, has the opportunity to provide a better model for policing and will undoubtedly be held accountable if it fails to do so.

### **11.3.6. Appointment of Senior Police Officers**

Section 7 and 14 of the Act outlines the SPA's responsibilities in the appointment and resignation of senior police officers and, in general, replicates much of the functions imposed on the Police Boards. There were no concerns voiced by any of the interviewees regarding Police Board and senior appointments or resignations. A point raised by interviewees was that the main aspect in regards to the appointment of a Chief Constable was that it gave the Board the opportunity to choose the candidate in line with their own views. It was suggested that this helped to give the Board an input into policing priorities for the police service. There is little to add further from input from interviewees; however, as indicated in Chapter 2 of this thesis Donnelly and Wilkie (2002), referring to the appointment of senior police officers, suggest that the system was perhaps a weak point of Boards.

It is, therefore, incumbent upon the SPA to ensure that it is not just the rubber stamp for Central Government and thereby avoid allowing the senior police officers to be appointed in line with the views of Central Government.

### **11.3.7. Chief Constable's Responsibility for Policing Scotland**

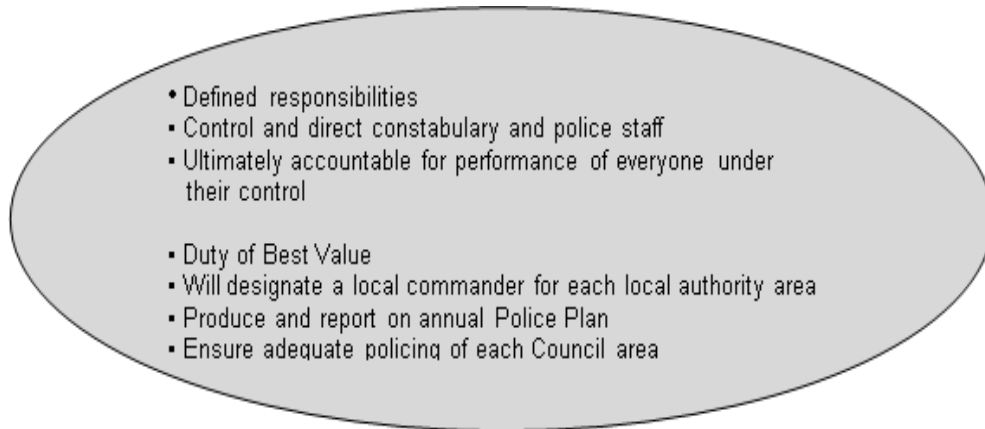
Chapter 2 Section 17 of the Act provides information regarding the Chief Constable's responsibilities for policing in Scotland. The full responsibilities are not discussed at this time but restricted to those with direct relevance to the Authority.

Chapter 2 Section 17 of the Act provides that the Chief Constable must account to the Authority for the policing of Scotland. Section 17(2)(c) states that the Chief Constable is to be involved in the preparation of the strategic plan and the Authority's annual report. Both are discussed later in this chapter and are not considered further at this time.

Section 17(2)(f) provides that the Authority may require the Chief Constable to supply it with information relating to the Police Service, policing or the state of crime. The

functions of the Chief Constable are further developed by the SPA: Member Appointment Information Pack for Applicants, as outlined in Figure 11.2 below.

**Figure 11.2 Chief Constable's Functions**



SPA– Information Pack for Applicants. Background Note, p.4

Although it was not clear at the time of this report what role, if any, the SPA will have in local accountability there is some direction in the Act. Section 17(4A) gives the Authority some influence into policing and requires that the Chief Constable must ensure that the policing of Scotland is done with due regard to any recommendations made or guidance issued by the Authority on the policing of Scotland consistent with the Act. In addition, as mentioned above, Section 5 of the Act provides that the Authority must comply with directions given by Scottish Ministers. Constabulary independence as framed by case law and Denning (1968) ensured that the police were “*answerable to the law and the law alone*”. However, case law is subordinate to statute and the Act may, therefore, go some way to allow constabulary independence to be overruled by Government edict. The edict of constabulary independence which has been a pillar of democratic policing could, therefore, be under threat.

### **11.3.8. Police Staff**

The Police and Magistrates Act 1994 placed the direction and control of police civilian employees under the direction of the Chief Constable. Chapter 2 Section 26 and Section 7 of the Schedule of the Act gave the Authority the ability to appoint staff

to assist in the carrying out of police functions. Although the Act authorises the Chief Constable to be designated the power to employ police staff, the employer is still the Authority. Although this was not a matter that was commented on by interviewees public attention was drawn to the possible interference in operational police matters in The Herald newspaper on 9<sup>th</sup> November 2012<sup>107</sup>. The concern voiced is that if the SPA has control of support staff it would; therefore, give a possible dilution of the Chief Constable's control over operational policing. However, after what was described in national papers as a turf war between the Chief Constable and the SPA the control over police staff subsequently reverted to the Chief Constable<sup>108</sup>.

### **11.3.9. Forensic Services**

Chapter 3 Section 31 of the Act puts in place that the Authority must provide forensic services to the Police Service, the Police Investigations and Review Commissioner, the Lord Advocate and Procurators Fiscal. At the time of this research, forensic services' was the remit of the SPSA. The direction for the transfer of the responsibility of the provision for forensic services to the Authority did not at the time of this thesis indicate how it would be accommodated. In addition there was little noted in the Act that covered the future of Serious Crime and Drugs Enforcement Agency or the management of the Scottish Police College, hence, they are not commented upon at this time.

As indicated in Chapter 9 of this thesis, there was little knowledge of the SPSA from Board members with many interviewees indicating little support. It was suggested by some interviewees to be a bad model which was intended to do too much with too little money. Although interviewees had limited support of the SPSA; the SCDEA and Police College were two of the areas where some interviewees indicated they had seen some effectiveness or perhaps more appropriately they had no negative comments. The further centralisation of forensic services, therefore, gives the opportunity to build on successes and eliminate bad practice.

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<sup>107</sup> The Herald. *New police force in turf war over backroom staff*. 9<sup>th</sup> November 2012.

<sup>108</sup> See Final Comment, Chapter 12.4.

### **11.3.10. Principles, Priorities, Objectives, Plans and Best Value**

Chapter 4 Sections 32, 33, and 34 of the Act cover the policing principles, strategic police priorities and the strategic police plan respectively. The policing principles are not discussed at this time other than to acknowledge that many of the interviewees' concerns regarding local policing are considered in the Act by providing that policing should be accessible to, and engaged with, local communities. Principles, Priorities, Objectives and Plans are considered in more depth in the discussion section of this chapter.

Chapter 5, Section 38 of the Act makes provision regarding the requirements of the Authority to ensure Best Value. Police Boards had a legislated requirement to ensure Best Value. Chapter 7 of the thesis reported that although interviewees had a general awareness of Best Value, there was a feeling that this awareness was not always the same as knowledge of how Best Value related to the Police Board. Although it is clear that HMICS (2009-2012) Best Value review of Police Boards and police services had improved the use and understanding of Best Value there was still some lack of clarity in the use of Best Value by Police Boards for the good governance of policing. As such, it is suggested that it should be ensured that Authority members are clear in Best Value requirements for the Authority.

### **11.3.11. Annual Reports, Accounts, Audit and Examination**

The Authority's annual reports, accounts, audit and examination are legislated for in Sections 40-44 of the Act. Section 40 relates to the annual report and sets out what should be included in the report. It is noted that the report should also include an assessment of the Authority's performance in carrying out its functions as well as an assessment of the police services performance. This section of the Act also relates to the publication of the report and duties to provide it to Ministers and the Scottish Parliament. In general, this thesis found that Police Boards appeared to leave the police to report on their own performance and did not report specifically on the performance of their own Boards. Indeed Chapter 8 of this thesis suggests that there

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was little awareness of the annual reports from Board members with any overview being restricted mainly to sub-committees. Interviewees commented on incongruity of the police reporting on themselves but were unsure how this could be accommodated otherwise without the resources to do so. A few Board members admitted that they did not know what actual involvement the Board had in the annual report. As one Board member commented:

*“I can’t actually remember having seen that, a yearly one – I may have done but can’t honestly remember.”*

Chapter 2 Section 17 of the Act provides that the Chief Constable is to be involved in the preparation of the strategic plan and the annual report. The Chief Constable was previously obliged by the Police (Scotland) Act 1967 s15(1) to submit an annual report to their Police Authority in respect to the policing of the preceding 12 months. Chapter 8 of this thesis commented on interviewees’ responses relating to the annual report. There was an impression from most interviewees in this thesis that the police prepared and presented the report with, in the main, the only input from the Board being a foreword from the Convenor. The strategic policing plan was an area where the Board had little involvement although it was suggested by interviews that the recruiting of the Chief Constable was a way that the Board set the strategic direction. Another point put forward by an interviewee was that the tenure of the Board member may be limited to four or so years and, therefore, the member may not have an interest in long term strategic issues. Not surprisingly HMICS (2009-2012) also found little evidence of Police Board involvement in strategic planning.

Sections 41 and 42 of the Act sets out the Authority’s duties with regards to: keeping accounts, proper records and sending a copy of each statement of accounts to the Auditor General for auditing. Sections 43 and 44 of the Act further authorise the Auditor General to initiate examinations into the economy, efficiency and effectiveness of the Police Service and its arrangements for Best Value. Chapter 8 of this thesis suggested that interviewees indicated that the Boards had little control over the budget, although some individuals from the Board may have played a greater role



than others. Overall, interviewees provided little comment over budget matters. As such, accounts are not commented upon further in this section; however, it is apparent that the Authority requires ensuring to be seen to provide a more rigorous overview of the budget than the Police Boards did.

### **11.3.12. Local Policing**

With a Single Police Service and the SPA being national bodies the way that local communities were to be represented was of concern to most interviewees. Chapter 7, Section 45 of the Act ensures that the Chief Constable must have a local Commander in place for each Local Authority area. The Act also ensures that the Local Authority has a say in local policing and policing plans, and allows the Chief Constable to delegate Community Planning responsibilities to the local police Commander. It is noted that the delegation of the functions to local Commanders in no way absolves the Chief Constable's responsibility for these functions.

Local policing, their constituents and the ability to ensure local police accountability was seen by many Police Board interviewees as the main priorities. The Act gives power to the Local Authority to specify local policing measures for inclusion in local policing plans. In addition, the Act also ensures that the local police participate in Community Planning and local police plans. However, although the Local Government (Scotland) Act 2003 indicates that the Chief Constable was to participate in the Community Planning process this did not seem to filter to the Police Boards with interviewees in this thesis indicating little community involvement from Boards. The lack of Board involvement in CPPs and SOAs was also an issue highlighted by HMICS (2008). The Act may, therefore, be a stepping stone for the Local Authorities to be more involved in policing than they were through the Boards. Although this may ensure policing issues consider local priorities it does raise the concern of some Police Board members of geographic political influence in policing. It was also suggested by some interviewees that the more that national priorities were put to the fore the less relevant policing was to the local communities. It remains to be seen what overview the Authority takes over local policing, if any.

The Act appears to set out a two tier form of police governance with local policing priorities being considered by Local Authority and police Commander. The SPA appears divorced from local issues with its remit predominately relating to national issues. For most interviewees in this thesis the focus of policing concerns was on local issues; as such, for the Authority to fully participate in police governance it must consider local issues as well as national. It is, therefore, suggested that the SPA take full cognisance of local issues as well as national in their overview and scrutiny of policing in Scotland.

### **11.3.13. Governance and Administration of the Police**

Chapter 8 Sections 49-56 of the Act offer provisions for Ministers to make regulations for the governance, administration and conditions of service of the police. There is little reference to the Authority in these sections and, as such, only a brief comment is made in respect of the sections. A reference including the Authority is that before making the regulations Ministers must, amongst others, consult and share a draft with the Authority. This may help to reduce some of the concerns expressed by some interviewees in this thesis over the possibility of the Scottish Government increasing its power over the police. However, as previously mentioned, there is no indication that the Scottish Government need take any regard of SPA responses. As such it is suggested that the SPA ensures that its participation in consultations are seen as more than a cursory nod and acquiescence as was suggested, in this thesis, by some interviewees and academics had occurred at Police Boards.

### **11.3.14. Complaints and Investigations**

Chapter 10, Sections 61-70 of the Act sets out regulations for the handling of complaints and investigations. Section 61 sets out that the Authority and the Chief Constable must maintain suitable arrangements for the handling of relevant complaints. The Act ensures that the Authority keeps itself informed of how complaints are dealt with and that the arrangements are suitable. Section 63 of the Act provides that it is one of the functions of the Police Investigations and Review

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Commissioner to maintain and secure the maintenance of arrangements for the handling of relevant complaints and their reconsideration by the Authority and the Chief Constable. Section 63 of the Act also provides that the Authority may request the Commissioner to investigate and report on certain serious incidents involving the police. Section 63 also provides that the Commissioner can investigate matters regarding the Authority or the police which are in the public interest. Little mention was made by interviewees in regards to the PCCS other than there appeared to be a confidence in audit and oversight provided by PCCS; as such, it is not discussed further here.

Section 61 of the Act reconfirms the requirements as per the Police Boards that the SPA is to be kept aware of how the Chief Constable deals with complaints against the police. Chapter 8 of this thesis reported on interviewees' thoughts on complaints against the police. In general this was an area where there was full confidence in the process. The satisfaction was in both the information supplied to the Boards by the police and the way that Board members oversaw the complaints process. The main area where concern was raised by interviewees related to the lack of transparency of the process which related mainly to public access to meetings involving police complaints which were generally held at sub-committee level behind closed doors in police offices. It remains to be seen, at the time of this report, how complaints will be dealt with by the SPA but what is clear is that a concern identified in this thesis is the transparency of proceedings.

### **11.3.15. Her Majesty's Inspectorate of Constabulary for Scotland**

Chapter 11, Section 71 of the Act ensures a continuation of Her Majesty's Inspectorate of Constabulary and sets out the functions of inspectors and information on the HMICS plan and HMICS powers. It is noted that the Act confirms the HMICS powers to inspect the Authority and to give it directions in regards to effectiveness, efficiency or Best Value. Where such directions are given the Act also adds that the Scottish Ministers may direct the Authority to take such measures as may be specified in the direction, and the Authority must comply.

This Section answers, in part, an interviewee in Chapter 9 of this thesis who was of the opinion that the powers of HMICS seemed, to them, to have been downgraded and a Convenor who felt that the HMICS did not have the power it should. Another comment from an interviewee was that they thought the HMICS had a lack of Board contact during inspections and prior to results publication. This is, perhaps, an area that HMICS could look at for future reviews. To ensure a quality of policing that Scotland deserves it is suggested that both the SPA and the HMICS endeavour to work more closely than was the case with Boards to identify areas for continual improvement.

The Act appears to strengthen the position of HMICS inspection and scrutiny remit of both the police service and the SPA. Scrutiny was welcomed by most interviewees and the Act ensures continuation of such by HMICS. However, it must be borne in mind that Jones (2008) points out the accountability will only be of success if the SPA has effective internal governance.

The Ipsos MORI (2010) research on public attitudes to police accountability in England and Wales suggest that the public, amongst other areas, would like greater visibility in police accountability, a visible named figurehead for accountability and independence of accountability. It is suggested the Ipsos MORI (2010) accountability findings are areas relevant for the accountability of the Scottish Police Service, the SPA and indeed HMICS.

Although scrutiny was, in general, welcomed by interviewees this section tends to confirm the demise of the tripartite system as suggested in Chapters 9 and 10 of this thesis. It is suggested here that there is little equality where one party (the SPA) must comply with the direction of the other (Scottish Ministers). This also gives further credence to many interviewees' concern of Central control over policing. Commentators such as Reiner (1993) and Maguire (2002) point to an apparent growth in Government influence in policing governance in England and Wales through the likes of HMIC and the Audit Commission. HMICS promote independence as a fundamental principle of their work, but, it is suggested that this independence may be

in danger where the Inspectors are appointed by, are directed by and report to the Scottish Ministers. In addition to this HMICS is also situated within a Scottish Government building in Edinburgh and accesses the facilities provided in that building. This provides little public perception of the independence of HMICS. With more centralisation than ever in Scottish policing and policing governance the scrutiny of each should be seen to be independent. As indicated above Scott (2013a) suggests the independence of the SPA is relevant to the location and the support that it is provided with. It is perhaps time for HMICS to move its office and establish an independent base of operations and support.

### **11.3.16. Co-operation and Exchange of Information, etc.**

The Act provides for co-operation and exchange of information between the Authority and the police service<sup>109</sup>. This may also involve members of either, providing services for the other. This thesis noted that, in general, any services/staff provided to Police Boards were generally provided by the police service or the Local Authority of the police area. It was often noted that the Police Board would rely on Local Authority employees providing part-time essential services for the Police Board whilst they were also still working for the Local Authority. In general, this appeared mainly due to the Police Boards not having sufficient resources themselves.

Provision of information for Police Boards with regards to the reports and statistics for crime, road crashes and other functions was found by this thesis to be provided by the relevant police service. Chapter 12 Section 3 (3) of the Act requires that the Chief Constable must provide the Authority with such information. Most Board members who were interviewed in this research responded that they were quite satisfied with the information that they received from the police. However, approximately one third of interviewees suggested that provision of information could be better. Some of the matters raised included papers received in insufficient time, papers too bulky for proper overview and information that was cloaked in police terminology or written to secure the Board's compliance rather than to seek their decision. There was also a

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<sup>109</sup> Chapter 12 section 80.

suggestion that some members just did not have the time to read the papers. It is therefore suggested that the concerns voiced by the interviewees over the supply of Board papers and other information is addressed in the future provision of police information to the Authority.

As a footnote to this section it is worth highlighting that it is not simply the Board and the police service that need to work together but the cooperation should extend from the police and SPA to all public services. This is one of the key reform objectives highlighted by the Christie Commission (2011) and it is suggested that the issues should be considered with the reform of the police in Scotland.

*“public service organisations work together effectively to achieve outcomes – specifically, by delivering integrated services which help to secure improvement in the quality of life, and the social and economic wellbeing, of the people and communities of Scotland.”*

Christie Commission (2011, p.72)

### **11.3.17. Independent Custody Visiting**

Chapter 16 of the Act relates to regulations regarding Independent Custody Visiting and the Authority’s duty in that regard. The main duties imposed by the Act on the Authority include the appointment of independent custody visitors, making arrangements for custody visits and preparing and publishing reports on Independent Custody Visiting as required. As well as this, the Authority is required to make arrangements for members of the SPT<sup>110</sup> detainee visits.

Chapter 6 of this thesis showed that there was evidence from minutes of all eight Police Boards that the Independent Custody Visiting Scheme was brought to the attention of Board members. In general the scheme was reported to members in the

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<sup>110</sup> Chapter 16 section 93(4) of the Act “SPT” means the Sub-committee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment established under Article 2 of OPCAT. “OPCAT” means the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199.

minutes and discussion on the scheme appeared generally restricted to the appointment of independent custody visitors with little or no comment on the work undertaken. There was little more mentioned by interviewees in respect of the scheme and it was not mentioned by anyone when asked to identify key tasks of the Police Board. As such, it is suggested that perhaps, the profile of the Independent Custody Visitors Scheme needs to be upgraded for the attention of Authority members.

#### **11.4. Key Research Findings: Discussion and Implications for the SPA**

Chapter 11 has considered the SPA and examined findings from the research and how they relate to the SPA in theory and practice. Due to the infancy of the SPA at the time of this report many aspects of its operating mechanics were undecided or unclear, to enable full informed comment and analysis. However, some key findings from this thesis can be commented upon that may advise or guide the SPA in its business. The key comments from the research findings that are discussed further below reflect on the Authority profile, Authority meetings, and Authority tasks.

##### **11.4.1. Scottish Police Authority Profile**

The first consideration discussed here is the decision to use the title the Scottish Police Authority. When looking at the Governance of the police in Northern Ireland during the reform process in 1999, the Independent Commission on Policing (ICP) suggested the term ‘policing’ rather than ‘police’ was more appropriate for the governance body. ICP saw the remit of the Policing Board stretching beyond police functions:

*“The title ‘Policing Board’ is deliberate. We see the role of the new body going beyond supervision of the police service itself, extending to the wider issues of policing and the contributions that people and organizations other than the police can make towards public safety.”*

Independent Commission on Policing (1999, p.29)

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The remit of the SPA accommodates more than simply issues relating to the police duties including police staff, police training and forensic services amongst others. As such, it is suggested that the title the Scottish Policing Authority may have been more suitable to cover the wider extent of the governance of policing in Scotland. Of course the nomenclature could perhaps have been due to the intention to limit the remit of the SPA.

The suggestion of the demise of the tripartite system indicated in this report is further developed with the implementation of a Scottish Police Service. It is difficult to visualise the replication of the perceived image of equal partners that was presented in the tripartite structure, when it now appears that one party must comply with the direction of another as indicated earlier in this chapter. This is perhaps clearly illustrated by the accountability illustration given in Page 5 of the background notes in the SPA members' guidance pack shown in Figure 11.3.

This hierarchy of accountability places the Scottish Parliament on top and the Chief Constable on the bottom. It has already been suggested in this thesis by commentators such as Reiner (2000), Scott and Wilkie (2001), Donnelly and Scott (2002) and others that policing power has moved towards Central Government. Most senior police officers interviewed in this thesis were of the impression that politics influenced Police Board members in their duties. This also included some who suggested political interest could come from the Scottish Government. Jones (2008) posits that policing is "*inevitably and inescapably political*". Taking into consideration legislative changes and the pre-eminence of Government decisions on policing policy, there may perhaps be too many opportunities for the Scottish Government to effect policing in Scotland for the independence and democracy of policing to remain unchallenged. Such challenges need not be direct, as Lustgarten (1986) suggests: that although the Scottish Government holds great influence over policing it can do it without direct meddling and Lustgarten gives examples of the Government using Circulars, which are generally treated as binding, to influence policing.



**Figure 11.3 Accountability: Scottish Parliament; Scottish Ministers; SPA; Chief Constable**



Source: SPA members guidance pack (2012, Annex B)

Chapter 9 of this report suggests the tripartite system is lamented; it now appears it has been replaced with the Scottish Government's own hierarchy of accountability, as shown in Figure 11.3 above. The horizontal accountability of the tripartite system has been perceived as a system which monitors, justifies and enforces how various branches of the hierarchy hold one another answerable for their conduct. This was seen to help to deter, detect, punish and correct the abuse of power. The loss of the tripartite system, therefore, suggests that the SPA need to be careful to ensure political independence, as it may be in danger of being perceived as the organisation that maintains the illusion of a shield that separates the Government from responsibility when things go wrong as was suggested by Reiner (2000) for the tripartite system.

Scott (2011) suggests increased centralisation is not necessarily a bad thing and the increased Scottish Government involvement may provide the potential for a model with "*better balance between legitimate political oversight and properly accountable policing.*" However as mentioned above, if the governance of the police is not well managed there is perhaps the danger that Denning's (1968) long maintained edict of

police operational independence may be vulnerable. A main tenet of operational independence of the Chief Constable is that the police are, themselves, individually from the community and, therefore, have a duty of responsibility to the community. It has been suggested by some interviewees that this community attachment will be lost with a national police service. The SPA will, therefore, face a challenge to show its independence from political control and maintain the balance posited by Scott above.

Chapter 10 commented on interviewees' perceptions of Commissioners and independent appointed members. This may have relevance on the appointment of SPA members. The 2012 Scottish Government consultation paper<sup>111</sup> put forward two methods for appointment of members to the SPA which were nominations by COSLA and appointments by ministers. The main views that were given by the consultation respondents were, in general, favourable of nomination by COSLA and indicated concerns over appointment by Ministers. These concerns included: independence of SPA could be called into question, could create tension with Local Government over any appointments made, open to political interference and could create a policing quango. The Scottish Government has, apparently, discounted the consultations concerns and decided for Board members to be appointed by Ministers. The lack of electoral accountability for SPA members, therefore, means that the public do not have the ability to remove those that do not perform. Though it might not have been used, the ability of the public to remove members may have helped to ensure accountability transparency and effectiveness of the SPA.

A matter of strong concern for most interviewees in this thesis was the imposition of a Commissioner. Although no Commissioner is planned for Scotland the concerns of interviewees, perhaps, become a little more authentic for police governance in Scotland with the Chair of the Authority being appointed separately by Ministers. Some Board members interviewed suggested that their ability to choose the Chief Constable was an indication of their ability to control the strategic direction of the Force. Roberts, McNulty and Stiles (2005) also suggest that the Chair can influence decision making of the board. It is suggested that this may reflect on the choice of

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<sup>111</sup> Nicholson, L. (2012).

Chair by Ministers which could be seen as an additional way of the Scottish Government controlling policing strategic direction. This concern is perhaps further heightened with the first Chair of the Authority then assisting in the selection process of members<sup>112</sup>. This is another indication that concerns of interviewees and scholars over centralisation of policing control appear justified.

The first Chair of the SPA was announced on 31<sup>st</sup> August 2012 as Mr Vic Emery, OBE. Although Mr Emery had no recorded political allegiance, it is noted that he had been appointed by Ministers previously as the Chair of the SPSA. While this ensured that the Chair of the SPA had knowledge of policing, the appointment of Mr Emery might give credence to those who could suggest the appointment was un-democratic and that the Scottish Government had appointed their own man to ensure control over policing. This related to Police Boards as although most interviewees in this thesis maintained that Police Boards remained apolitical some interviewees were aware of Conveners shaping things in their party's image. It may be more appropriate and may increase transparency for the Chair of the Authority to be decided by the members themselves from the body of the Authority as previously occurred with Police Boards and is legislated in the Act for the selection of Deputy Chairs<sup>113</sup>.

There was an indication from the research reported in Chapter 7 of this thesis that although Boards strove to remain apolitical, there were occasions when politics could play a part in Police Board decisions. It was also noted that of the 12 members (not including the Chair) appointed to the SPA on 24<sup>th</sup> October 2012, six indicated being politically active. Of these six members, one each was actively involved with Labour, Liberal Democrats and Conservative parties; the other three were involved in the Scottish National Party. Of those indicating political involvement this does not represent a proportional political representation as voted by the Scottish public and is over-representative of the Scottish National Party. Although Police Boards did comprise political appointees they were democratically elected and they were proportionally representative of the voter's choices in their policing areas. Since just

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<sup>112</sup> Scottish Police Authority: Member Appointment - Information Pack for Applicants. <http://www.appointed-for-scotland.org/>

<sup>113</sup> Schedule 1, Part 1. Section 2 (4A).

under one quarter of the Authority members are actively involved with the same political party who appointed the Chair there is a suggestion that there could be a risk that the public may form the impression that the appointment of the Authority members was un-democratic and that party politics could, possibly, interfere in the functions of the SPA.

This impression of political interference was highlighted on 10<sup>th</sup> November 2012 in The Herald newspaper which outlined concerns from lawyers over the independence of the SPA<sup>114</sup>. The article commented on concerns that a single Force, and particularly a single Chief Constable, could increase the potential for undue political influence in policing. The article indicated the response to this concern from a Scottish Government spokeswoman as:

*“The act sets out clear provisions to ensure separation between ministers and police. The Chief Constable is directly accountable to the Scottish Police Authority not the Government.”*

Scottish Government spokeswoman, The Herald (10/11/2012, p.8)

Many concerns identified above were highlighted by interviewees in this thesis over Governmental separation from the police service. It is questioned if the Act will be seen by the public to ensure separation as posited in the response above if the one quarter of SPA members are politically active for the governing party and Ministers are perceived to have appointed their own man as Chair of the SPA.

On 12<sup>th</sup> November 2012 Mr Emery, the Chair of the SPA, responded in a letter<sup>115</sup> regarding concerns printed in The Herald newspaper in preceding days which included concerns over *“a more political environment around policing than we had in the past”*. Mr Emery reflected the response from the Scottish Government spokeswoman, above, and indicated that the majority of members of the SPA were not politically active and that the roles of the Authority were set out in the Act. This reply

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<sup>114</sup> The Herald. (10/11/2012), ‘*Stooge’ fears over single police force*. p.8.

<sup>115</sup> Emery, V. (12/11/2012), *We are at the beginning of a new era of accountability for the police*, The Herald Letters p.15.

is, perhaps, a little disingenuous when it could equally be said that a large proportion of Authority members were politically active. In addition the Act was presented by the Scottish Government so, again, could be seen by the public as embodying the directions of the Scottish Government. Mr Emery's response does not answer the concerns posited and, in particular, the impression that party politics could interfere with policing.

The Police (Scotland) Regulations 2004 prohibited Police officers from participating in politics to ensure accountability; this restriction is maintained in the 2012 Act:

*“A member of a police Force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of that member's duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of a police force shall not take any active part in politics”.*

The Police (Scotland) Regulations 2004 Schedule 1 (1)

Tricker (2009) places integrity as the main qualification of a director. The researcher has previously interviewed some of the members of the Authority and has no adverse comments over their political integrity. Nonetheless, it is suggested that political activity of a Scottish Police Authority member is likely to give rise to the impression amongst members of the public that such activity may interfere with the discharge of their duties. It is suggested that SPA members should also be prohibited from any active part in politics, as indicated by Lustgarten (1986):

*“the police officer is entitled to demand that other public officials be subject to the same rigorous standards of justice, control and mechanisms of redress as himself.”*

Lustgarten (1986, p.164)

As such perhaps, legislation as above for police officers may be more appropriate for, and should equally apply to, Authority members. If the restriction is not appropriate

for SPA members why is it maintained for police officers when there are appropriate discipline regulations that cover the discharge of their duties?

Also worthy of consideration regarding the selection of Authority members is the findings of Police Board profile presented in Chapter 5 of this thesis. The findings suggest that the Police Boards were not representative of the general community in Scotland, particularly with respect to age and gender. Over 70% of Board members who responded to the survey were over 55 years of age compared to Scottish age representation of 49% of adults being aged less than 45 years of age<sup>116</sup>. When it came to gender there was an even larger lack of representation to the public. Archival research shows that less than 19% of Board members were female compared to women being 52% of the Scottish population<sup>117</sup>. In addition, there was evidence from Lord Davies (2011) that diversity in the make-up of the board was important and that performance of boards is improved by the increase in the number of female board members.

On commencement only four of the 13 members of the SPA were female. This is under 31% of the Authority members and although an improvement in the previous profile of 19% of Police Boards suggested by this thesis, the SPA failed to take the opportunity to make greater improvements. The people most suitably qualified for the job should be appointed and it is not suggested, here, that positive discrimination is employed. However, when choosing SPA members it is suggested that a holistic approach should be taken to look at what is offered from the Authority as a whole and not only from the individual members.

The age of the members of the SPA is unknown at the time of the thesis and is not discussed further other than to reflect on the findings of Reiser (2001) that the age of a person could reflect on their comfort using technology.

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<sup>116</sup> The Scottish Government (2009) *Scotland's People*, Annual report, results from 2007/2008 Scottish Household Survey, Table 2.2, P.12.

<sup>117</sup> The Scottish Government (2009) *Scotland's People*, Annual report, results from 2007/2008 Scottish Household Survey, Table 2.2, P.12.

Chapter 7 of this thesis shows the qualities that Board members felt they brought to the Police Board. The qualities that interviewees indicated are shown in Table 7.1 of the chapter and it is interesting to note that there was no consensus in the qualities brought to the Board. The highest ranking quality, which was shared by only 28% of interviewees, was knowledge of policing. The other main qualities mentioned included the ability to question, being a Councillor, analytic ability, managerial experience and a hard worker. Interestingly, in contrast to the above a lack of police knowledge was also seen as a quality for a Board member. Interviewees were also asked about training received as a Board Member to supplement the qualities they brought. Many interviewees suggested a lack of training opportunities and suggested that they might benefit from training in the following areas:

- Knowledge of operational policing.
- Knowledge of the policing command structure.
- Police finance.
- Governance.
- Scrutiny.
- Risk management.

It was not only Board members that reported some lack of training for Board duties. Both senior police officers and police senior executives also suggested that they had little formal training for Board duties and relied on training on the job. The Cadbury report (1992) referred to training, internal or external, as highly desirable for directors of boards. It is, therefore, recommended that training for Authority duties is provided not only for Authority members but also senior police officers and executive staff. It is

noted that the SPA member's application guidance pack indicated that successful applicants would be provided with an induction and on-going training and support<sup>118</sup>.

Chapter 5 of the thesis commented on the number of hours per week that the Board members worked on Police Board duties. A large proportion of Board members spent less than two hours per week on Board duties, equating to around 12 days per year (not including holidays). This is minimal commitment compared to the Audit Scotland (2010) report of the average number of days of 51 and 151 that non-executive and chairs respectively are expected to commit to NHS bodies. The number of days' commitment expected from SPA members indicated by the SPA appointment information is an improvement on previous Police Board time commitments. The information suggested five to 10 days per month commitment for the first year which was not expected to drop to less than five days per month thereafter. Since the above 51 days indicated for NHS bodies is an average for regional boards it may be appropriate that as a national Board the SPA time commitment remains closer to the 10 days per month.

### **11.4.2. Authority Meetings**

Section 11(1) of the Schedule in the Act relates to the procedure of the Authority including the regulation of its committees and sub-committees. This report does not seek to offer any opinions in regards to committees and sub-committees at this time other than to advise that there is guidance available, including Huse (2007) and Tricker (2009), which provides direction in regards to efficiency of the Board meetings.

With regard to sub-committees the Boards were not consistent and the eight Police Boards each found it necessary to have a differing number and type of committees and sub-committees. Chapter 6 of this thesis reviewed the minutes of the full Board meetings of all eight Police Boards between 2008 and 2009 and commented on the

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<sup>118</sup> Scottish Police Authority: Member Appointment – Information Pack for Applicants. Available; - <http://www.appointed-for-scotland.org/> last checked 05.08.2012.



researcher's visits to meetings of all eight Scottish Police Boards. The overview found approximately 13 different types of sub-committees used by the Boards during this time. The three main sub-committees used by at least half the Boards were 'Complaints and Discipline', 'Appointments and Audit' and 'Finance (or Budget)'. A footnote to sub-committees is that some Board members interviewed were of the impression that, often, items were dealt with at sub-committee level and decided on by a few sub-committee members without input from the full Board. It was suggested by some that matters should be dealt with by the full Board for decision making. Nevertheless, senior police officers interviewed were of the opinion that the Board meetings allowed them to be properly scrutinised.

Section 11A(1) of the Schedule of the Act provides that the Authority must ensure public access to Authority, committee and sub-committee meetings. This was the position with Police Boards and should help to ensure transparency in the proceedings of the Authority. Transparency in decision making, as well as responsiveness and accountability to stakeholders were included in Bevir's (2009, p.92) wish list for good governance referred to in Chapter 3 of this thesis. The need for transparency in proceedings was also a matter often brought up by interviewees and was an important requirement put forward by much of the literature reviewed in chapters 1 to 3 of this thesis, including the Christie Commission (2011). However, section 11A(2) of the Act empowers the Authority, its committees or sub-committees to decide to hold all or any part of a meeting in private. This report found a lack of consistency with the items from which the public were excluded at Police Board meetings. The reasons for exclusion of the public from SPA meetings should be consistent and apparent to aid in the transparency of the SPA business. The exclusion of the public should only be in cases of matters in the best interest of the public and not the police. It may assist by ensuring all the SPA business is open to the public and reasons for the exclusion of the public from Authority meetings should be outlined and perhaps limited to ensure transparency.

As indicated by the ICP (1999):

*“everything should be available for public scrutiny unless it is in the public interest-not the police interest - to hold it back”*

Independent Commission on Policing (1999, p.110)

Section 11A(2), as mentioned above, ensures public access to committee and sub-committee meetings. This thesis found a distinct lack in the public awareness of Police Boards and minimal public attendance at Police Board meetings, as was also indicated by Docking (2003) and Ipsos MORI (2010). It was also noticed in early 2013 that there was concern voiced regarding the SPA holding meetings in private before the official meeting<sup>119</sup>. To assist in holding Authority meetings open to the public it is suggested that the Authority adopt an open and publicised manner of business.

A similar situation is put in place by the Act for the publication of Authority proceedings with, on one hand Section 11A(3) stating that agenda, papers and report for proceedings must be published, whilst immediately following this section 11A(4) provides that *“the Authority may decide that all or part of any agenda, paper or report need not be published”*. Although Section 11A(5) states that the Authority must publish a statement setting out where meetings need not be held in public and reports need not be published, the transparency of Authority proceedings may be at risk if the reasons where such non-disclosure situations may apply are not set out clearly before they are invoked. It is worthwhile repeating IPP (1999) findings that everything should be available for public scrutiny unless it is in the public interest, not the police interest, to hold it back.

This may help to ensure that the Authority complies with Section 2 (3) of the Act;

*“The Authority must try to carry out its functions in a way which is proportionate, accountable and transparent and which is consistent with any principle of good governance which appears to it to constitute best practice.”*

Police and Fire Reform (Scotland) Act 2012 section 2 (3)

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<sup>119</sup> The Herald, *Concerns over police watchdog’s private meetings*, 03/03.2013, p.19.

It has been suggested in this thesis, Docking (2003) and Ipsos MORI (2010), that there was little public knowledge in what Police Boards do. This may have been due to lack of Police Board publicity of itself or, indeed, public apathy. If the public are not aware or cannot access the SPA how can the SPA be accountable to the public? As one Board member suggested, the ability of members of the public to question the Board appeared “*totally illusionary*”. Public access and awareness of the Authority is essential to ensure transparency and accountability. The Authority must ensure that its business is easily accessible to all.

This thesis was completed at the amalgamation of a single Scottish Police Service and the commencement of the SPA. It was noted by the researcher that at that time there appeared greater publicity and open access to the Authority than there was to the Police Boards. This included rotating location of meetings and open access to Authority members. It may also be worthy of the Authority considering the possibility of the webcast of meetings. This is something the researcher found occurred in Canada, the Metropolitan Police Authority and pre-amalgamation had been adopted by the Northern Constabulary Joint Police Board. Another consideration would be to allow members of the public to put questions to the Authority, at public meetings, in a manner similar to that for Canada as indicated in Chapter 6.3 of this thesis.

It was also noted in the examination of interviewee’s responses that, often, Board members were of the opinion that matters decided at sub-committee level were subsequently passed without the involvement of all full Board members. This, of course, may be due to the limited time that Board members felt able to allocate for Police Board business. As a result many Board members appeared happy to delegate sub-committee work. There was also the perception mentioned by some interviewees that, on occasions, Board meetings could be expedited to meet time constraints. This gave the impression that some matters could be almost glossed over in the rush to finish. Although a Convenor did indicate that although it may have seemed like that, all matters would still be given appropriate attention. As such, it is suggested that SPA meetings are held without time constraints to avoid the impression given by some

interviewees that Board meetings could accelerate and matters gain less attention at the end of meetings.

### **11.4.3. Authority Tasks**

As indicated above, there was often a variance in an interviewee's awareness of what the key tasks of their Board were even though the tasks and functions were illustrated in advice and legislation. An essential part of SPA training should be that members are continually updated and made fully aware of what the key Authority tasks are.

The duty imposed on the Authority by Section 3(c) of the Act regarding allocation of financial resources is interesting when looking at interviewees' responses to the Board control over the spend. In general, the interviewees suggested that although the Board monitored the spend they had, at best, only partial control over it. It was suggested by some interviewees that this was in part due to the bulk of the budget going on salaries. Interviewees' responses suggested that this may also have been due to the lack of many Board members' knowledge of what the budget or spend actually was. The way that the overview of the budget is administered is also an issue. The Authority undoubtedly has a challenge to respond to austerity measures; however, the manner in which this is achieved may threaten constabulary independence. As Jones (2008) suggests, this may come from "*the growing nationalisation of policing and the application of market based reforms*". With a budget of around £1.4 Billion it is suggested that all Authority members are fully informed and aware of budget and finance matters and they are not restricted to sub-committee level. In addition the Authority should ensure a safeguard against Scottish Government control of police budget administration.

Performance monitoring is one of the main areas where information was required by the Police Board. Chapter 8 of this thesis looked at interviewees' comments on performance monitoring. Some interviewees who were mainly Board members reported that they did not really monitor the performance of the police but monitored the performance produced by the police, which was a different thing altogether.

Interviewees suggested that there needed to be a different manner of measuring police performance by the Board. It was also questioned by a senior officer if the Board members had the will to scrutinise performance. Some interviewees suggested that there were several ways that performance was measured but they did not, perhaps, tell the public or indeed Board members what they wanted to know. This may be an example of what Lustgarten (1986) suggested by policing efficiency being very vague. This may be particularly relevant as measures of policing accountability used by Boards mainly focused on local statistics. In addition, Boards also received performance measures for performance frameworks and Single Outcome Agreements, amongst others. With 32 Local Authorities providing some form of statistics a multitude of input would be available for the Authority and, perhaps, provide a challenge what to use to measure police service performance. A Board member responded to the researcher that there was what they referred to as “*death by statistics*”.

KPIs were, in part, used by Boards to measure police performance but there needs to be more knowledge regarding what is being measured as interviewees were generally unsure what their Force’s performance indicators were. The SPA overview function of local issues is not clear at the time of this report; however, a whole new bundle of KPIs may need to be developed or at least highlighted. There should be clarity for Authority members as to what the performance measurements are for a Scottish Police Service.

Section 33 of the Act legislates that the strategic priorities for the Authority may be determined by the Scottish Ministers. Subsection (2) also indicates that these priorities may relate to the policing of Scotland or the carrying out of the Authority’s functions. Although the Act indicates that before determining the strategic police priorities it must consult the Authority, the Chief Constable and others. It does not indicate that Ministers need to respond to any such input other than to have regards to the policing principles. Concerns were mentioned previously in this section over the make-up of the SPA leading to a perceived lack of independence from Scottish Government influence over strategy. Section 33 of the Act expands these concerns by maintaining

the perceptions of many interviewees in Chapter 8 of this thesis that the Police Board had little control over strategic priorities. As one Board member suggested:

*“Strategy I think to a greater or lesser extent comes down from on high I would suspect via the Home Office, either via Edinburgh or maybe directly. Obviously we have no involvement in the strategy or the need for involvement in the police in terrorism etc., etc.”*

However, it is not only the Scottish Government that was seen by interviewees as having a say in the formation of policing priorities. Interviewees including a senior police officer indicated that the police set the strategy. Conversely, the Board’s appointment of the Chief Constable was suggested as a way the Board gave their influence in strategy setting. It is noted, that Chapter 7 of the Act does provide police and Local Authority involvement in local strategy. Another suggestion from an interviewee was that the Board had some influence on national level through areas such as the Conveners Forum and the National Policing Board. Since neither of these will likely exist in their pre-reform format post amalgamation it therefore, appears that this avenue will no longer be available.

Respondents to the Scottish Governments 2012 consultation on reforming police and fire services also voiced a concern over Government influence on policing and Ministers power of direction:

*“Whilst some welcomed Parliament’s proposed role in scrutinising the Scottish Policing Plan, others cautioned that Parliament’s involvement in overseeing national and local policing plans could, potentially, become overly bureaucratic and risked compromising the independence of the police service.”*

Nicholson (2012, p.15)

It, therefore, brings the question how much control will the Scottish Government have over policing and should they have that control? As mentioned previously, Savage et

al. (2000) put forward what they saw as the central issue in policing governance as: *'who or what shapes policing policy'*.

Historically, strategic priority setting was generally put in place by the police; although the setting of strategies is alluded to in the SPA application guidance, the Act now provides for Ministers to set strategic priorities. The little involvement that the Board may have had does not appear improved for the Authority. There is also no indication of any public involvement included in the setting of plans or strategy. Police Authorities in England and Wales had a duty to consult with the public before setting their policing objectives, thereby helping to assist in transparency and accounting to the public. Of course, the democratic accountability of policing to the public is not straight forward, as indicated by Smith (1987) in Newburn (2008, p.695), there are *"many publics"* with differing views on what the police should do and how they do it. Not only is there a need for public influence but at the same time the minority rights must be protected.

Publication of the strategic police priorities is provided by Section 33 of the Act. There appears to be little involvement of the Authority in the formation of the strategic policing priorities. However, Section 34 of the Act requires that the Authority must prepare a strategic police plan. In addition to the strategic police plan Section 35 of the Act also legislates that an annual police plan must be completed by the Chief Constable. The strategic police plan and the annual police plan must have regards to the policing principles and the strategic policing priorities and be consistent with each other. It is not clear at this time but it appears that the Authorities' policing plan could be a replication of the priorities set by the Scottish Government. This situation, again, appears to suggest the Authority as the *"shield from responsibility when things go wrong"* averred to earlier in this thesis by Reiner (2000) for the *"myth of tripartite governance"*.

Policing plans are, in general, forward looking, putting in place a strategy that may be for a number of years in the future and they may also change in response to external developments. One of the challenges identified by interviewees in Chapter 8 was how

to evaluate whether the policing plans were successful or not. This challenge is suggested will also relate to the SPA.

There was an indication from interviewees of a lack of Board members' participation in and knowledge of Annual Reports, Accounts, Audit and Examination. This appeared not only due to lack of knowledge from Board members but it was also suggested there appeared to be resistance to change from the police who "*had always done it that way*". As indicated in this report there is also an apparent lack of understanding of Board duties from members of the public. The Authority should ensure it takes full participation in the strategic reports production and ensure that such reports are available to the public in a manner that includes promotion and publicity of the work that the SPA performs.

Complaints investigation was an area which most interviewees were satisfied that Boards dealt with effectively. There were very few concerns raised regarding how complaints were handled although there was some concern raised regarding the apparent lack of openness to the public. It was suggested by interviewees that most complaints meetings were held behind closed doors in police Force headquarters. There was concern voiced by interviewees regarding anonymity if complaints were held in public. However if criminal courts can operate in most cases with public attendance, why not allow a more open presentation of police complaints with appropriate restrictions unless, as indicated by IPC (1999), it is in the public interest, not the police, to hold it back.

Another difficulty mentioned by several interviewees was the lack of decisions by the full Board when complaints were dealt with by the sub-committee and the full Board only received a summary. It is therefore suggested that the Authority look to build on what is seen as good practice in pre-reform complaints handling by most interviewees. In addition the matter of the public's ability to attend hearings of complaints meetings should be examined to ensure transparency.



There was support from interviewees for the further appeals service through the PCCS. The Scottish Government consultation into the future of policing in Scotland suggested strong support for the establishment of an independent body (Nicholson, 2012). However, it is difficult to quantify this as all four options offered for selection by the consultation involved a new body for handling complaints, criminal allegations, serious incidents and reviews of investigations. There appeared to be no option offered for the status quo and, as such, did not give a clear picture of respondents' opinions. In total the Scottish Government consultation reported that 30 of 73 responses showed a preference for one or other of the options<sup>120</sup>. Therefore, it could be argued that a large proportion of respondents to this question (59%) did not show a preference for any of the options. This does not discount that the respondents to the consultations may be in agreement with interviewees' responses in this report, that there are few concerns over the way that complaints against the police were dealt with prior to reform.

Barrie (2008) indicated the early 19<sup>th</sup> century as an "*age of improvement*" for Scottish policing allowing it to keep up with changes in the commercial system, avoid central control and ensure that the police were controlled "*by the people*". Although there was an indication of centralisation Jones (2008) suggested that the arrival of the edict of constabulary independence and the tripartite system were an answer to central control. Nevertheless, Jones also indicated that constabulary independence was under threat. This report suggests that central control is more apparent than ever in Scotland.

The SPA must ensure that the age of improvement is not lost, but is built upon. There is the suggestion that the early 21<sup>st</sup> century will, to some extent, reverse the age of improvement and Fyfe's (2011, p.186) "*creeping centralisation*" may bring a new age of central governance over Scottish policing. With a national police service many interviewees were of the opinion that accountability to the local community could be lost. Figure 11.3 gives the impression of the police being accountable to the SPA, Ministers and the Scottish Parliament which at the time of the police reform was controlled by the Scottish National Party. Chapter 9 of this report suggested the idea

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<sup>120</sup> Nicholson, L. (2012), pp21-22.

of the tripartite is now a misconception with little substance. The accountability hierarchy illustrated in Figure 11.3 may, therefore, reveal the obituary of the tripartite and the weakening of operational independence of the Chief Constable who should, according to Lord Denning (1968), be “*answerable to the law and the law alone*”. Donnelly and Scott (2008) questioned if the Board had any influence over policing or was merely an advisory body. To avoid the impression of central control of policing the SPA cannot emulate the impression of Donnelly and Scott given by some Boards as being acquiescent and providing the rubber stamp.

Police Scotland and the SPA present the opportunity for a potentially better balance between legitimate political oversight and properly accountable policing as posited by Scott (2011). However, there is a serious concern that democratic policing in Scotland may be under threat. Centralisation which could be argued as another name for Government control has been suggested to be a more prevalent in police governance in Scotland than ever. There is an apparent loss of the horizontal democratic power sharing of the tripartite structure, and a possible challenge to constabulary independence. There are questions over the independence of members of the SPA who have political allegiances and who are appointed by Ministers. In addition, the ability of the public to hold the SPA to account is in question if the public are not aware of and do not contribute to SPA policing decisions. Although, as suggested by Scott, centralisation is not necessarily a bad thing the SPA undoubtedly has a challenge to ensure policing in Scotland is democratic and suitable for the people of Scotland.

In conclusion, it is submitted that Chapter 11 contributes further to the answer put forward to research question 4 given in Chapter 10. Not only does this chapter add to what stakeholders’ and Board members’ perceptions of the future of Police Boards in Scotland should be, it also outlines what the future for the governance of policing in Scotland will be and adds comments and recommendations in regards to the single Police Service of Scotland and the SPA.

### **11.5. Key Research Findings: Police Governance and the establishment of the Police Service for Scotland**

- The SPA should ensure that political independence and a balance from political oversight. This will help to avoid central acquiescence to ensure the retention of a police service of the people for the people.
- The appointment of the Chair of the Authority by Ministers may be a threat to the democratic independence of the Authority. It may be more appropriate and may increase transparency for the Chair of the Authority to be decided by the members themselves from the body of the Authority as previously occurred with Police Boards and is legislated in the Act for the selection of Deputy Chairs.
- The Authority is comprised of some members who have indicated being involved in political activities. As such it is suggested that the Authority ensures that business is conducted in an apolitical manner. Perhaps like police officers, SPA members should be non-political.
- More consideration should be given to the profile of the Authority members showing a closer representation of the profile of Scottish population in particular in respect of age and gender. A holistic approach to the selection of members may be best for the performance of the Authority.
- Consideration should be given to training in the areas identified by interviewees. This includes training for SPA Board members and where appropriate senior police officers. An essential part of SPA training should be that members are continually updated and made fully aware of what the key Authority tasks are.

- Reasons for the exclusion of the public from Authority meetings should be outlined clearly prior to implementation and perhaps limited to ensure transparency.
- Public access and awareness of the Authority is essential to ensure transparency and accountability. The Authority must ensure that its business is easily accessible to all.
- With a budget of around £1.4 Billion it is suggested that all Authority members are fully informed and aware of budget and finance matters and they are not restricted to sub-committee level. In addition the Authority should ensure a safeguard against Scottish Government control of police budget administration.
- There should be clarity for Authority members as to what the performance measurements are for a Scottish Police Service.
- There appears a minimal involvement from the Authority's and the public in determining strategic policing priorities, it is suggested this needs to be reviewed to improve accountability.
- The Authority should ensure it takes full participation in the strategic reports production and ensure that such reports are available to the public in a manner that includes promotion and publicity of the work that the SPA performs.
- A predominance of Board members concerns were for local issues. It is clear the SPA should take full cognisance of local issues as well as national in their overview and scrutiny of policing in Scotland

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- It is suggested that the Authority look to build on what is seen as good practice in pre-reform complaints handling by most interviewees.
- The matter of the public's ability to attend hearings of complaints meetings should be examined to ensure transparency.
- It is suggested HMICS should be more independent from Government and this may be assisted with a change of office location.

## Chapter 12

### Research Comments

#### 12.1. Introduction

This final chapter outlines the contribution this research makes to the general body of literature (12.2.) and then suggests further research that may be considered for the future (12.3.). The chapter and thesis then concludes by commenting on contemporary matters relating to Police Scotland and the SPA (12.4.).

#### 12.2. Contributions of Research

At the commencement of this project there had been little independent research undertaken into Police Boards in Scotland. During the research for this thesis HMICS and Audit Scotland carried out reviews of the Police Boards in Scotland. This thesis is thought to be the only independent research into Police Boards that has been carried out. The overview of Police Boards from this research thesis gives a historical, independent snapshot of police governance during the period of the research. In addition, the research undertaken, in particular with regards to the Police Board survey and stakeholder interviews, provides new knowledge of Police Boards in Scotland. The Police Board profile survey has, for the first time, provided information, amongst other aspects, of Board members' age, length of Board service, police knowledge, hours on Board duties per week, relevant professional experience and other commitments. This information has already been published by the Scottish Institute for Police Research<sup>121</sup> and presented at a SIPR seminar<sup>122</sup>. In addition this publication has since been referenced in further work<sup>123</sup>.

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<sup>121</sup> Etherson, P. (2010) and Etherson, P. (2013).

<sup>122</sup> Policing by consent - policing governance and accountability in the 21st Century, Presented at the University of the West of Scotland on 27<sup>th</sup> October 2009.

<sup>123</sup> Includes Donnelly, D. and Scott, K. (2010) and Laing, A. and Fossey, E. (2011).

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The interviews conducted with Police Board stakeholders also provides an insight into the thoughts of those involved in Police Board work as well as providing a comparison of what work was done by Police Boards, with what work should be done. The research provides a better understanding and new knowledge of Police Boards in Scotland and, it is suggested, will also give a comparator and benchmark for the future of the Scottish Police Authority. This thesis also comments on the legislation presented for the implementation of a Scottish Police Service and reflects on findings from this research, with specific relevance to the SPA. An initial comparator between the Police Board profile survey and the SPA membership has also been published in the SIPR annual report 2012<sup>124</sup>.

In summing up, it is suggested that, not only does the research provide a historical overview of events as well as new knowledge; it also seeks to provide advice and guidance for the future of police governance in Scotland.

### **12.3. Future Research**

During this research some areas have been identified where further research could be carried out. In addition, the implementation of a Scottish Police Service and a Scottish Police Authority will undoubtedly provide areas for continued research into Scottish police governance.

Future research has been suggested in various areas of this thesis. As highlighted in Chapter 1 of this report different forms of policing at home and abroad have differing forms of governance. As a result, an in depth overview and analysis of policing governance world-wide could be used to measure and establish learning points for Scottish police governance, particularly relating to a national police Force.

As mentioned above, due to time and financial considerations the research completed in this thesis was unable to include interviews from Board members and stakeholders from Northern and Grampian Police Boards. As such, although these Forces were

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<sup>124</sup> Etherson, P. (2013).

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amalgamated in April 2013, it may be worth considering revisiting an overview of both Boards to add to the findings from this research. It was also identified early in the research that it was not always clear what involvement the Local Authority had in policing and it is suggested that Local Authority involvement in policing would be an area that could benefit from further research. In the exploration of police governance in Chapter 2 there was an indication that the Government Circular can have an influence in policing. The Circular is not legislation, receives no Parliamentary scrutiny and has little availability for public scrutiny. This is an area that has, perhaps, little transparency and deserves wider research.

In Chapter 3 it was pointed out through Gillan (2006) that different mechanisms both internal and external to the board can have an effect on or provide multiple layers of governance for the board. Research has predominantly been carried out on individual layers of governance. Although out-with the time and finance constraints of this PhD project it may be worth considering future research which considers Gillan (2006) and provides a holistic overview of the differing mechanisms in addition to Police governance and how they affect policing performance, efficiency and effectiveness.

A problem identified in Chapter 4, which was not answerable by the literature review or interviews, is how to establish a measure of stakeholder interaction with members of the public. Further questionnaires directed at members of the public may be a solution that could be further investigated. Costing issues and operational requirements for a large scale public questionnaire on a limited budget were, however, prohibitive for the current PhD project.

Chapter 5 presented the results from the Police Board profile survey. It would have been interesting to look at the profile of Police Board members in Scotland following the 2012 Council elections to establish if there was any change in the overall profile of the Board members. The limited scope of the PhD research did not allow time and resources to carry out additional research at the end of the study. This is something that could perhaps be considered for a historical overview at a later time.



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The overview of Police Board minutes and meetings was carried out at an early stage of this research. It would have been interesting to carry out further analysis of Police Board meetings at the end of the life of the eight Police Boards and the SPA meetings at the start of the single Scottish Police Service for further comparative analysis and overview. The analysis of Police Board minutes conducted in Chapter 6 suggested that Boards were taking some cognisance from the on-going reviews in policing and Best Value of Forces and Police Boards. It might be worthwhile to examine the minutes of Boards again at the end of this report. The examination would, amongst other matters, ascertain if the publication of areas of good practice and areas where improvement was required would synchronise Boards in their duties. However, the implementation of a Single Scottish Police Service may negate the need for such research although it may still provide an illustration of the wider effect of the Best Value and the further examinations of individual police Forces and their Boards. This, of course, would also provide an additional comparator for future benchmarking for the SPA.

In Chapter 9 specifically, there is an indication from several interviewees, supported by Scott (2011), of the impression that Civil Servants were increasingly becoming involved in policing policy making. It is suggested that the involvement of Civil Servants in policing policy making would be an area of interest for future research. Of course policy making extends well beyond policing and, as such, could suggest an extended overview of Civil Servant involvement in all policy making of the Scottish Government.

Chapter 10 commented on the possibility of the implementation of a Police and Crime Commissioner for the governance of English police services. Interviewees' gave their thoughts on that, and any possible implementation in Scotland. In general, interviewees were strongly against the idea of a Commissioner instead of a Police Board. Since completion of the interviews Police Authorities in England and Wales have been replaced by Police and Crime Commissioners. It would be interesting to undertake a comparative study of Commissioners throughout the police services in England and Wales to obtain a better understanding of the work conducted by

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Commissioners and any differences found in different policing areas as well as a comparator to the previous Police Authorities.

Chapter 11 discussed the make-up of the SPA and submitted comments in regard to the research carried out in this report. The SPA is a completely new body and, as with Police and Crime Commissioners above, it would be interesting to conduct future research into the profile and work of the SPA. A study could perhaps record and overview its birth and introduction with a subsequent comparison to Police Boards in Scotland and police governance elsewhere.

Chapter 11 also reported on the proposed governance of the police through the Police and Fire Reform (Scotland) Act 2012. The Scottish Government will have responsibility for policing principles. In addition accountability suggested in the SPA guidance pack and replicated in Figure 11.3 places the police and the SPA accountable to the Scottish Government. As mentioned earlier by Savage et al. (2000), who shapes policing policy is a central issue in governance and is linked to who should make or shape policing policy. As such, it is suggested that the control of the Scottish Government over policing policy in Scotland may be an area for further research.

The Act also sets out the responsibilities of local commanders for local policing. Local policing was a priority of the majority of interviewees and this is, perhaps, another area for future research to gauge the effectiveness of the local policing provisions encompassed by the Act with particular comparison to the pre-reform perceived level of effectiveness and the consideration of local geographical political influence over policing.

There are undoubtedly numerous areas that could also be considered for further overview but the suggestions above relate to the main areas covered by this project and are, therefore, suggested for consideration.

#### 12.4. Final Comment

The formation of Police Scotland and the SPA has been contemporary to the conclusion of this thesis and, where appropriate, this report has commented and offered advice and guidance from the research that might assist the SPA in its functions. The establishment of the SPA is perhaps too contemporary to the conclusion of this report to allow further detailed comment on the SPA and its governance of policing in Scotland. As Scott (2013b) indicates, there may be much to welcome from the Act for policing in Scotland. However, as mentioned above in Chapter 11, there has already been tension in the first few months of the single Scottish Police Service between the SPA and Police Scotland which have publically haunted the governance arrangements.

A “*turf war*”<sup>125</sup> stand-off over control of police staff between the Chief Constable of Police Scotland and the SPA was a matter that reached national newspapers. The SPA looked to take control of police staff in addition to its governance duties. The concern voiced by the Chief Constable was that if the SPA had control of support staff it could, therefore, give a possible dilution of his control over operational policing. The turf war continued for some time and although there was no direct interference from the Scottish Government it appeared that there was mounting pressure on the SPA. In June 2013 the Chief Executive and two senior executives of the SPA announced they were to leave the SPA<sup>126</sup>, this was shortly followed by the announcement that there was agreement reached for the Chief Constable to have control over police staff<sup>127</sup>.

The return of control over police staff to the Chief Constable should allow the SPA to concentrate on its scrutiny role over policing in Scotland. However, the public stand-off between the SPA and the Chief Constable has, perhaps, already tarnished the public image of the SPA. This, therefore, emphasises the need for continued

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<sup>125</sup> The Herald. (9<sup>th</sup> November 2012), *New police force in turf war over backroom staff*.

<sup>126</sup> The Herald. (Wednesday 12 June 2013), *Scottish police Authority trio suddenly quit*.

<sup>127</sup> The Herald. (Friday 21 June 2013), *Sir Stephen wins police turf war*.

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overview of not only the police but of the SPA itself in order to provide the esteemed quality of policing that has arguably been the envy of many, and one which Scotland deserves.

## Appendix A

Dear Councillor

### *Police Board Members' Survey*

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I am writing to ask for your assistance with a PhD research project jointly funded by the Economic and Social Research Council and the Scottish Government. The project has four main aims;

- To examine the relationships between Police Boards and their communities.
- To examine the relationship between Police Boards and the Scottish Government.
- To examine how Police Boards interface with each other through the SPACF.
- To consider the development of a performance management framework for Police Boards.

As a first step we are seeking to put together a statistical profile of Police Board members. I would be grateful if you could complete the attached questionnaire which is being sent to all Police Board members in Scotland and will take less than 10 minutes to complete.

All responses will be treated strictly as anonymous and will be totally confidential.

A summary of findings will be sent to all Police Boards later this summer.

If you have any questions about the study please feel free to contact me: Mr. Philip Etherson Tel: 0141-548-4545, Email: [p.etherson@strath.ac.uk](mailto:p.etherson@strath.ac.uk) or Mr Mik Wisniewski Tel 0141-548-3401, Email [m.wisniewski@strath.ac.uk](mailto:m.wisniewski@strath.ac.uk)

To facilitate the completion of this survey please complete and submit your response in the attached stamped/addressed envelope to me by **01/08/2009**.

May I take this opportunity to thank you for participating in this survey.

Philip Etherson.



*Police Authority Members' Questionnaire*

Please indicate your answer by inserting a mark in the box on the right hand side, or below, the statement which mostly closely relates to your answer. You may provide additional information in the free space to the right of the question if you wish to do so.

<b>Question 1</b>	
<b>How long have you served as a Councillor?</b>	
Not Applicable	
Less than 2 years	
2 to 6 years	
7 to 10 years	
11 to 14 years	
Greater than 14 years	

<b>Question 2</b>	
<b>How long have you served as a Police Board/Authority member?</b>	
Less than 2 years	
2 to 6 years	
7 to 10 years	
11 to 14 years	
Greater than 14 years	

Appendix B

<b>Question 3</b>	
<b>Which answer most closely fits how you were selected as a member of the Police Board/Authority?</b>	
I was nominated by the Council, I had not indicated an interest to become a member of the Police Board/Authority	
I was nominated by the Council, I indicated an interest formally prior to membership of the Police Board/Authority	
I was nominated by the Council, I indicated an interest informally prior to membership of the Police Board/Authority	
None of the above. <i>(please indicate your method of appointment to the Police Board/Authority in the space below)</i>	

<b>Question 4</b>	
<b>How many Police Board/Authority sub-committees do you currently serve on in addition to the full Police Authority?</b>	
None	
1	
2	
3	
More than 4	

Appendix B

<b>Question 5</b>	
<b>In addition to the Police Board/Authority committees how many <u>Local Authority</u> committees/sub committees are you currently a member of?</b>	
None	
1-2	
3-5	
6-8	
More than 8	

<b>Question 6</b>	
<b>In addition to the Police Board/Authority, on how many <u>non-Local Authority</u> bodies are you currently a member of a board or committee.</b>	
None	
1-2	
3-5	
6-8	
More than 8	



Appendix B

<b>Question 7</b>	
<b>Did any of the following relate to you <u>BEFORE</u> you became a Police Board/Authority member?</b> <i>(If more than 1 apply, please indicate in all boxes that apply)</i>	
I had accompanied police officers on patrol	
I have taken part in the custody visiting scheme	
I was an employee of a police service	
I have some other experience of police work (other than as a Police Board/Authority member) <i>Please describe here:-</i>	
I had no previous experience of police work	

<b>Question 8</b>	
<b>Does any of the following relate to you <u>AFTER</u> you became a Police Board/Authority member?</b> <i>(If more than 1 apply please indicate in all boxes that apply)</i>	
I have accompanied police officers on patrol	
I have taken part in the custody visiting scheme	
I am/was an employee of a police service	
I have some other experience of police work (other than as a police board member) <i>Please describe here:-</i>	
I have no experience of police work other than as a Police Board/Authority member	

Appendix B

<b>Question 9</b>				
<b>On average how many hours per week do you spend on Police Board/Authority business?</b>				
0 to 2 hours	3 to 5 hours	6 to 10 hours	Greater than 10	Unable to tell

<b>Question 10</b>	
<b>How long have you lived in your Police Board/Authority area?</b>	
Less than 2 years	
2 to 6 years	
7 to 10 years	
Greater than 10 years	
I do not live in the Police Board/Authority area	

<b>Question 11</b>	
<b>Do you have an occupation other than as a Councillor or Police Board/Authority member?</b>	
<i>(If more than 1 apply, please indicate in all boxes that apply)</i>	
Yes full time for which remuneration is received	
Yes full time which is unpaid/voluntary	
Yes part time for which remuneration is received	
Yes part time which is unpaid/voluntary	
Yes - other	
No	

Appendix B

Question 12				
<b>What age range are you in?</b>				
20-35	36-45	46-55	56-65	Over 65

Question 13	
<p><b>Prior to joining the Police Board/Authority did you have experience in any of the following areas?</b> <i>Please give an indication of the nature of your experience in the space provided</i></p> <p><i>*(If more than 1 apply, please indicate in all boxes that apply)</i></p>	
Finance	
Management	
Human Resources	
Governance	
None of the above	

**Thank you very much for your assistance with this survey.**

**Please submit your response in the attached stamped/addressed envelope.**

## Appendix C

### **Members' Interview Schedule**

How long have you been a Councillor?

How long have you been a member of the Police Board?

Why did you join the Police Board?

What qualities do you think you bring to the Board?

What induction and training have you had for the post?

Do you think this training was sufficient/suitable?

What additional training do you think could be put in place?

#### **Role remit and purpose**

As a Board member, how well informed do you feel about policing in your Force area?

If they feel well informed, establish how/why?

If not, why not?

Do you think you get Board papers in sufficient time to allow proper overview and informed decision?

If not, why not?

If yes could this be improved?

Do you think that Board meetings allow enough opportunity for discussion?

Yes - could this be improved?

If not – why not?

Do you regularly contribute at meetings?

If yes – are there any particular areas – ask to identify?

If no, ask if there is any reason.

What do you see as the key tasks of the Police Board?

In your opinion which of these tasks would you prioritise and why?

Do you think the Board is able to do these tasks effectively?

If yes, why - can you give good examples?

If no, why not?...etc - can you give bad examples?

As an elected member do you think that policing needs and party political priorities can conflict in your Board responsibilities?

## Appendix C

Yes – (examples)

No – (examples of harmonisation)

### **Budget**

What do you see as the priorities for setting the police budget?

What control do you think the Board has over the police budget?

Examples

What else do you think could be done to ensure value for money?

Are you aware of any benchmarking of costs?

Yes – (examples)

No – where do you think benchmarking could be included?

How are the Force's budget and financial figures brought to your attention?

If by the Force - do you think the Force provide sufficient information?

If not –what other way is it reported?

Do you think the information provided is clearly understandable?

If not what is not clear?

Is it presented in enough time to thoroughly examine?

### **Performance**

What do you think are the main ways that the Board monitors Force performance?

If relying on police figures - is this suitable? (why police figures)

Is the information sufficient and relevant for you to properly evaluate performance?

If not what do you think should also be provided?

Is the information clearly understandable?

Is it presented in enough time to thoroughly examine?

Is benchmarking used?

Yes - where

No – do you think there are areas where it could be used?

Do you think this information is suitable for your own Local Council needs as well as the Force?

If yes what is provided for local needs?

## Appendix C

If not what is missing?

What do you consider to be the key performance indicators?

How are these reported to the Board?

Do you think there is enough information provided regarding these issues?

If not what do you think should be improved?

What role if any, do you think the Board plays in the development of the Force's public performance reporting?

Do you think this works well? (explain)

If not – (explain)

### **Setting Priorities and Strategies**

What involvement do you see the Board having in setting the Force strategic direction?

What involvement do you think the Board should have?

If devolved to the Force – do you think that this is suitable? - (explain)

What do you consider should be included in the strategic plan?

What do you see as the priorities? (explain)

Does answer include national priorities if not why not?

Do you think the Board has a sufficient understanding of the risks and threats to policing in your area to enable strategic planning?

Yes - can you give examples?

No – what do you think you require?

How effective do you think Board is at monitoring the Force's performance with regards to strategic priorities?

What do think the Board does well/badly (examples)?

Do you think this is sufficient? (explain)

### **Community engagement**

How do you see community concerns and priorities being aligned with the work of the Board?

CPP? SOA?

Other examples?

## Appendix C

Do you think the responsibility of community consultation should be with the Force, the Board or somewhere else?

Ask to explain and give examples

Is this what happens in your area? - If so Why?

If not, why not?

How, if at all, does your Board assess if community engagement activity is successful?

Do you think your Board does enough?

If yes – good examples

If no – What do you think should be done?

Are you aware of opportunities for the public to question the Board about their plans and decisions?

If yes - what and do you think this is enough?

If not - why not?

### **Relationships with Senior Officers**

Do you think there is a good working relationship between the Board/Convenor and the Senior Officers?

Yes - Can you give me examples of this working well?

Does this relationship ensure that senior officers are clear in what standards and expectations the Board has from them and the Force?

No - Can you give me examples of bad relationships?

Are you aware of occasions when Board members disagree with the Senior officers and if so what issues are disagreements on?

(examples?)

How are these disagreements resolved? (examples, good and bad)

Have there been occasions where these issues have not been resolved?

(examples)

How does this compare to other organisations with which you have experience?

(examples of better/worse)

## Appendix C

### **Scottish Government**

What kind of relationship do you think your Board has with the Scottish Government?

Strengths? (examples)

Weaknesses? (examples)

How do you see the Scottish Government impacting on the Boards role and function?  
(examples)

Do you think this is a positive or negative impact?

Why (explain)

### **What should the future role be?**

What governance changes do you think might foreseeably occur in the future?

Effect of National policing Board? (comments on impact)

HMIC'S Best Value recommendations? (comments on effect to Board)

Number of police Forces? (comments)

Directly elected members? (comments)

Do you think there are any additional ways that the Board can be supported in its work?

(Examples?)

Support staff?



Appendix D



Management Science  
University of Strathclyde  
Graham Hills Building  
40 George Street  
Glasgow  
G1 1XQ

0141 548 4545

01/11/10

Dear

*A Comparative Study of Scottish Police Boards*

---

I am writing to ask for your assistance with a PhD research project I am undertaking, which is jointly funded by the Economic and Social Research Council and the Scottish Government. The project aims to examine the relationships between Police Boards and their communities, the police service and the Scottish Government. The project may also look to consider the development of a performance management framework for Police Boards.

There has been little independent research carried out on Scottish Police Boards. As a first step in the project I reviewed relevant literature, examined Police Board minutes, visited Police Board meetings and put together a statistical profile of Police Board members. The results of the statistical profile were sent to all Board members and are available for examination at the website of the Scottish Institute for Policing Research,  
[http://www.sipr.ac.uk/downloads/Research\\_Summaries/Research\\_Summary\\_4.pdf](http://www.sipr.ac.uk/downloads/Research_Summaries/Research_Summary_4.pdf).

The next phase of my research looks to obtain the impression of Board members, senior police officers, government officials and other stakeholders of their own involvement in Police Board duties. To do this I intend to interview a number of people who fall into the above categories.

I appreciate the many demands on your time and I respectfully request that you consider allowing me to interview you for the above project. I anticipate that the interview will take no longer than ½-1 hour to complete. I will endeavour to fit into any timetable and location that is suitable to your own commitments. Your participation in this research is voluntary and you may decide not to take part or to stop your participation in this research at any time.

## Appendix D

The interviews will be audio taped to ensure accuracy, and copies of the transcription of the interview will be forwarded to you for agreement of accuracy before publication of the results. All responses will be treated strictly as anonymous and as totally confidential with all data being kept secure.

It is hoped that this research will result in a greater understanding of Police Boards and assist all Board members and other stakeholders in Police Board duties. A summary of findings will be sent to you and all Police Boards on the completion of the study.




If you have any questions about the study please feel free to contact me: Mr. Philip Etherson Tel: 0141-548-4545, Email: [p.etherson@strath.ac.uk](mailto:p.etherson@strath.ac.uk) or Mr. Mik Wisniewski Tel 0141-548-3401, Email [m.wisniewski@strath.ac.uk](mailto:m.wisniewski@strath.ac.uk).

May I take this opportunity to thank you for taking the time to consider participation in this project.

Yours sincerely

Philip Etherson

Appendix E

<p><b>CONSENT FORM</b></p> <p><b>Full title of Project:</b> <i>A Comparative Study of Scottish Police Boards</i></p> <p><b>Name, position and contact address of Researcher:</b> <i>Philip Etherson, PhD Student, University of Strathclyde</i></p>	   <p><b>Please initial box</b></p>
<p>I confirm that I have read and understand the information sheet for the above study and have had the opportunity to ask questions.</p>	<p><input type="checkbox"/></p>
<p>I understand that my participation is voluntary and that I am free to withdraw at any time, without giving a reason.</p>	<p><input type="checkbox"/></p>
<p>I agree to take part in the above study.</p>	<p><input type="checkbox"/></p>
	<p><b>Please tick box</b></p> <p><b>Yes                  No</b></p>
<p>I agree to the interview being audio recorded.</p>	<p><input type="checkbox"/>                  <input type="checkbox"/></p>
<p>I agree to the use of anonymised quotes in publications.</p>	<p><input type="checkbox"/>                  <input type="checkbox"/></p>
<p>I agree that my data gathered in this study may be stored (after it has been anonymised) in a specialist data centre and may be used for future research.</p>	<p><input type="checkbox"/>                  <input type="checkbox"/></p>

Name of Participant

Date

Signature

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of Researcher

Date

Signature

### ***A Comparative Study of Scottish Police Boards***

The study which is funded by the Economic and Social Research Council and the Scottish Government is entirely independent. As a first step in the project I reviewed relevant literature, examined Police Board minutes and visited Police Board meetings to gain an understanding of Scottish Police Boards. I then forwarded a questionnaire to all Police Board members, the results of which enabled me to put together a statistical profile of Police Board members.

[http://www.sipr.ac.uk/downloads/Research\\_Summaries/Research\\_Summary\\_4.pdf](http://www.sipr.ac.uk/downloads/Research_Summaries/Research_Summary_4.pdf)

The next phase of my research looks to obtain the impression and experiences of Board members, senior police officers, government officials and other stakeholders of their own involvement in Police Board duties. To do this I intend to interview a number of people who fall into, or were in, these categories.

The interviews will last around one hour and will be audio taped to ensure accuracy. Copies of the transcription of the interview will be forwarded to interviewees for agreement of accuracy before publication of the results. All responses will be treated strictly as anonymous and as totally confidential with all data being kept secure. Although you will be asked to sign a consent form, your participation in this research is voluntary and you may decide not to take part or to stop your participation at any time.

It is hoped that this research will result in a greater understanding of Police Boards and assist all Board members and other stakeholders in Police Board duties. A summary of findings will be sent to you and all Police Boards on the completion of the study.

If you have any questions about the study please feel free to contact me: Mr. Philip Etherson Tel: 0141-548-4545, Email: [p.etherson@strath.ac.uk](mailto:p.etherson@strath.ac.uk) or my PhD supervisor Mr Mik Wisniewski Tel 0141-548-3401, Email [m.wisniewski@strath.ac.uk](mailto:m.wisniewski@strath.ac.uk)

**NVivo Screen Shot**

The screenshot displays the NVivo software interface. The top menu bar includes File, Home, Create, External Data, Analyze, Explore, Layout, View, and Window. Below the menu is a toolbar with various editing and analysis tools. The main workspace is divided into several panes:

- Left Pane:** Contains a tree view of nodes, including 'Nodes', 'Cases', 'Free Nodes', 'Tree Nodes', 'Relationships', and 'Node Matrices'.
- Top Pane:** A search bar with the text 'Look for:' and a search icon.
- Center Pane:** A table listing nodes with the following columns: Name, Sources, References, Created On, Modified On, and Modified By. The table contains 66 rows of data.
- Bottom Pane:** A navigation pane with icons for Sources, Nodes, Classifications, Collections, Queries, Reports, Models, and Folders.

The table in the center pane is as follows:

Name	Sources	References	Created On	Modified On	Modified By
Effectiveness of Board	39	56	02/08/2011 11:45	18/01/2012 18:37	P.E.
Finance information	5	7	01/08/2011 18:11	18/10/2011 15:36	P.E.
Future role	22	52	01/08/2011 18:12	08/03/2012 15:58	P.E.
Governance	20	52	16/09/2011 12:54	18/01/2012 17:27	P.E.
Government involvement	43	84	01/08/2011 18:13	08/11/2011 13:31	P.E.
HMCS	25	31	16/09/2011 12:42	20/10/2011 16:04	P.E.
Holding the Chief to account	3	4	11/10/2011 12:33	20/04/2012 14:57	P.E.
Independent members	27	36	27/09/2011 13:16	20/04/2012 14:56	P.E.
Induction training and training	43	73	01/08/2011 18:13	17/01/2012 11:58	P.E.
Informed re policing	42	73	01/08/2011 18:14	08/11/2011 13:14	P.E.
Key board tasks	45	51	01/08/2011 18:15	08/11/2011 13:15	P.E.
Key performance indicators	35	42	16/09/2011 12:24	08/11/2011 13:21	P.E.
Length in current post	43	44	01/08/2011 16:10	08/11/2011 13:03	P.E.
Local Authority relationship	1	1	07/10/2011 15:37	20/04/2012 14:57	P.E.
Local Authority v Police Authority distinction	1	2	18/01/2012 17:33	20/04/2012 14:57	P.E.
Monitoring strategic performance	5	7	01/08/2011 17:49	18/10/2011 15:36	P.E.
Number of board members	25	28	16/09/2011 12:56	20/10/2011 15:47	P.E.
Number of Forces	38	67	02/08/2011 16:29	22/03/2012 14:07	P.E.
opinion of convener	8	9	01/08/2011 18:16	08/02/2012 15:13	P.E.
Performance monitoring	40	69	01/08/2011 18:16	28/02/2012 18:18	P.E.
Policing priorities	5	6	01/08/2011 17:03	18/01/2012 13:14	P.E.
Politics board	46	82	01/08/2011 18:18	18/01/2012 17:39	P.E.
Priorities: National v Local	12	18	02/08/2011 16:19	13/01/2012 10:47	P.E.
public questions to the board	6	6	01/08/2011 18:02	19/10/2011 16:17	P.E.
Public contact	2	3	01/08/2011 18:18	08/03/2012 13:53	P.E.
public performance reporting	19	21	01/08/2011 17:47	02/03/2012 11:17	P.E.
public performance reports	11	14	15/09/2011 18:07	02/03/2012 11:17	P.E.
Qualities of board member	31	35	01/08/2011 18:19	24/01/2012 16:27	P.E.
Reason for joining Board	23	26	03/08/2011 14:11	20/10/2011 13:27	P.E.
Reform	3	4	01/08/2011 18:20	16/01/2012 17:17	P.E.
Relationship with CC	46	89	01/08/2011 17:10	13/01/2012 12:35	P.E.
Reporting performance	5	6	01/08/2011 17:10	27/02/2012 17:12	P.E.
Risks and threats to policing - is the board aware	21	23	01/08/2011 17:50	20/10/2011 15:20	P.E.
Role of Board member	2	5	01/08/2011 17:12	04/01/2012 11:36	P.E.
Role of executive member	4	8	06/10/2011 14:55	20/04/2012 14:57	P.E.
Scottish Police Board	56	90	02/08/2011 15:09	16/03/2012 09:58	P.E.

## Strengths and Weaknesses of Quantitative Research

### Strengths

- *Testing and validating already constructed theories about how (and to a lesser degree, why) phenomena occur.*
- *Testing hypotheses that are constructed before the data are collected. Can generalise research findings when the data are based on random samples of sufficient size.*
- *Can generalise a research finding when it has been replicated on many different populations and subpopulations.*
- *Useful for obtaining data that allow quantitative predictions to be made.*
- *The researcher may construct a situation that eliminates the confounding influence of many variables, allowing one to more credibly assess cause-and-effect relationships.*
- *Data collection using some quantitative methods is relatively quick (e.g., telephone interviews).*
- *Provides precise, quantitative, numerical data.*
- *Data analysis is relatively less time consuming (using statistical software).*
- *The research results are relatively independent of the researcher (e.g., effect size, statistical significance).*
- *It may have higher credibility with many people in power (e.g., administrators, politicians, people who fund programmes).*
- *It is useful for studying large numbers of people.*

### Weaknesses

- *The researcher's categories that are used may not reflect local constituencies' understandings.*
- *The researcher's theories that are used may not reflect local constituencies' understandings.*
- *The researcher may miss out on phenomena occurring because of the focus on theory or hypothesis testing rather than on theory or hypothesis generation (called the confirmation bias).*
- *Knowledge produced may be too abstract and general for direct application to specific local situations, contexts, and individuals.*

Johnson and Onwuegbuzie (2004)

## Strengths and Weaknesses of Qualitative Research

### Strengths

- *The data are based on the participants' own categories of meaning.*
- *It is useful for studying a limited number of cases in depth.*
- *It is useful for describing complex phenomena.*
- *Provides individual case information.*
- *Can conduct cross-case comparisons and analysis.*
- *Provides understanding and description of people's personal experiences of phenomena (i.e., the "emic" or insider's viewpoint).*
- *Can describe, in rich detail, phenomena as they are situated and embedded in local contexts.*
- *The researcher identifies contextual and setting factors as they relate to the phenomenon of interest.*
- *The researcher can study dynamic processes (i.e., documenting sequential patterns and change).*
- *The researcher can use the primarily qualitative method of "grounded theory" to generate inductively a tentative but "explanatory theory" about a phenomenon.*
- *Can determine how participants interpret "constructs" (e.g., self-esteem, IQ).*
- *Data are usually collected in naturalistic settings in qualitative research.*
- *Qualitative approaches are responsive to local situations, conditions, and stakeholders' needs.*
- *Qualitative researchers are responsive to changes that occur during the conduct of a study (especially during extended fieldwork) and may shift the focus of their studies as a result.*
- *Qualitative data in the words and categories of participants lend themselves to exploring how and why phenomena occur.*
- *One can use an important case to demonstrate vividly a phenomenon to the readers of a report.*
- *Determine idiographic causation (i.e., determination of causes of a particular event).*

### Weaknesses

- *Knowledge produced may not generalise to other people or other settings (i.e., findings may be unique to the relatively few people included in the research study).*
- *It is difficult to make quantitative predictions.*

## Appendix H

- *It is more difficult to test hypotheses and theories.*
- *It may have lower credibility with some administrators and commissioners of programmes.*
- *It generally takes more time to collect the data when compared to quantitative research.*
- *Data analysis is often time consuming.*
- *The results are more easily influenced by the researcher's personal biases and idiosyncrasies.*

Johnson and Onwuegbuzie (2004)



## Strengths and Weaknesses of Mixed Research

### Strengths

- *Words, pictures, and narrative can be used to add meaning to numbers.*
- *Numbers can be used to add precision to words, pictures, and narrative.*
- *Can provide quantitative and qualitative research strengths (i.e., see strengths listed in Tables 1 and 2).*
- *Researcher can generate and test a grounded theory.*
- *Can answer a broader and more complete range of research questions because the researcher is not confined to a single method or approach.*
- *The specific mixed research designs discussed in this article have specific strengths and weaknesses that should be considered (e.g., in a two-stage sequential design, the Stage 1 results can be used to develop and inform the purpose and design of the Stage 2 component).*
- *A researcher can use the strengths of an additional method to overcome the weaknesses in another method by using both in a research study.*
- *Can provide stronger evidence for a conclusion through convergence and corroboration of findings.*
- *Can add insights and understanding that might be missed when only a single method is used.*
- *Can be used to increase the generalisability of the results.*
- *Qualitative and quantitative research used together produce more complete knowledge necessary to inform theory and practice.*

### Weaknesses

- *Can be difficult for a single researcher to carry out both qualitative and quantitative research, especially if two or more approaches are expected to be used concurrently; it may require a research team.*
- *Researcher has to learn about multiple methods and approaches and understand how to mix them appropriately.*
- *Methodological purists contend that one should always work within either a qualitative or a quantitative paradigm.*
- *More expensive.*
- *More time consuming.*

## Appendix H

- *Some of the details of mixed research remain to be worked out fully by research methodologists (e.g., problems of paradigm mixing, how to qualitatively analyse quantitative data, how to interpret conflicting results).*

Johnson and Onwuegbuzie (2004)

## **External Influences to Policing**

### **External Influences to Police Boards in Scotland**

There are also external influences to Police Boards that have an effect upon the business that the Board conducts. The following are examples of the main bodies that have an influence on Police Boards. The information that follows was obtained early 2012 and was relevant for the eight Police Boards prior to a Single Scottish Police Service in April 2013.

#### **The Association of Chief Police Officers in Scotland (ACPOS)**

ACPOS is seen as the voice of senior police officers in Scotland. Membership comprised of senior police officers and senior police staff of all eight Scottish police services and the Scottish Crime and Drug Enforcement Agency, the Scottish Police College and the Assistant Chief Constable of the British Transport Police (Scotland).

ACPOS worked in partnership with the Scottish Government and Local Authorities to set policing objectives for Scotland. Since April 2007 ACPOS has been registered as a limited company in Scotland and is required to comply with company regulations.

The aims of ACPOS are:

- *to promote greater partnership working, including Central and Local Government and other appropriate organisations and individuals;*
- *to promote leadership excellence;*
- *to assist in setting the policing agenda in Scotland by providing independent, professionally led and strategic policing opinions on key issues;*

## Appendix I

- *to consult with relevant partners on matters relating to or affecting the policing function in Scotland.*<sup>128</sup>

<http://www.acpos.police.uk>

ACPOS was governed by a board of directors consisting of a President, Vice-President, Executive Vice-President and ordinary members. Ordinary members consist of all Chief Constables, Deputy Chief Constables, Assistant Chief Constables and all eligible senior police staff.

### **Audit Scotland and the Accounts Commission**

Audit Scotland is independent of Local Authority and of Government. It is in place to ensure that bodies in Scotland spending public money, including Police Boards, do so properly, efficiently and effectively. This is done by systematic financial and performance audits of how the public body works. It checks that the bodies manage their finances to the highest order and achieve the best value for money. The auditors are independent of the body they audit, they can make recommendations to the Government and their report is made public.

Audit Scotland also assists the Accounts Commission by carrying out investigations for the Accounts Commission and they give their roles as follows:

*The Accounts Commission's role is to:*

- *examine how Scotland's 32 Councils and 44 joint boards and committees manage their finances*
- *help these bodies manage their resources efficiently and effectively*
- *promote Best Value*
- *publish information every year about how they perform.*

*The Accounts Commission has powers to:*

---

<sup>128</sup> [http://www.acpos.police.uk/AboutUs\\_1.html](http://www.acpos.police.uk/AboutUs_1.html) ACPOS website.

## Appendix I

- *report and make recommendations to the organisations it scrutinises*
- *hold hearings*
- *report and make recommendations to Scottish Government ministers.*

*The Commission also has powers to take action against Councillors and Council officials if their negligence or misconduct leads to money being lost or breaks the law.*<sup>129</sup>

<http://www.audit-scotland.gov.uk/about/>

### **Her Majesty's Inspectorate of Constabulary for Scotland (HMICS)**

HMICS is an organisation which is independent of Government, police services or Local Authorities. Prior to amalgamation HMICS duty was to inspect the eight police services in Scotland and the SPSA to monitor and improve them. The main way that HMICS carries out this task is by thematic inspections and advice to Ministers.

HMICS may inspect the particular police service or may inspect a particular thematic area. Examples of recent inspections include but are not limited to<sup>130</sup>:

- *Thematic inspection of medical services for people in police custody.*
- *Thematic inspection of domestic abuse.*
- *Thematic inspection of the care of detained and arrested children.*
- *Thematic inspection quality of service to users of police services in Scotland.*
- *Thematic inspection productivity of police officers.*

<http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/15403>

HMICS prides itself on its independence from police Forces, Police Authorities and Scottish Ministers and that it is open in broadcasting its findings. The members of the

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<sup>129</sup> <http://www.audit-scotland.gov.uk/about/> Audit Scotland website.

<sup>130</sup> <http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/15403> HMICS website.

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HMICS are generally people of senior police experience although lay people with appropriate expertise are included to increase the independence of the HMICS.<sup>131</sup>

Inspections carried out by HMICS are made public and are available on the Scottish Government's website.

### **The Justice Committee**

The Justice Committee is a committee of the Scottish Parliament made up of Members of the Scottish Parliament. The committee considers two main areas one of which concerns the functions of the Lord Advocate. The other committee function, perhaps more directly relevant to Police Boards, is the administration of criminal and civil justice, community safety, and other matters falling within the responsibility of the Cabinet Secretary for Justice.<sup>132</sup>

A Justice Committee review (2008) investigated the effective use of police resources. One of the committees' main recommendations that relate directly to Police Boards in Scotland was that a review should be undertaken to look at the membership of Police Boards to include independent members on an advisory basis. In addition it was also suggested that steps should be taken to improve a Police Authorities ability to "*scrutinise their Force's performance*".

It is, therefore, evident that the functions of the Justice Committee can have a direct bearing on the Police Boards in Scotland.

### **Police Complaints Commissioner for Scotland (PCCS)**

This was a fairly new body created by the Police, Public Order and Criminal Justice (Scotland) Act 2006 on 1 April 2007. The Commissioner is independent and has the

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<sup>131</sup> <http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/15403/2060> The Scottish Government website.

<sup>132</sup> <http://www.scottish.parliament.uk/s3/committees/justice/index.htm> The Scottish Parliament, Justice Committee website.

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role to consider and review the way in which Police Authorities, police Forces and policing agencies handle non-criminal complaints from the public. The Commissioner does not deal with criminal matters or matters related to employment.

It will be the job of the Commissioner to review complaints and how they are investigated and make an impartial determination based on consideration of all of the evidence presented. The Commissioner has the power to direct police organisations to re-examine any matters that it is felt have not been dealt with properly.

### **The Scottish National Policing Board**

A Scottish Policing Board was put in place in autumn 2009; the Policing Board brought together police, Local Government and Central Government in a forum in order to identify key strategy needs for policing in Scotland.

The functions of the Scottish Policing Board included:

- *Providing a forum for strategic priorities to be identified and to consider response*
- *Review variations of strategic priorities across Scotland*
- *Expedite and provide a focus for activities that have a collective importance*
- *Look at Scotland wide strategic issues not progressed elsewhere*
- *Provide a single voice for policing in Scotland*

<http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/ScotPolBoard>

### **The Scottish Police Authorities Conveners Forum (SPACF)**

SPACF was an organisation which represented Police Boards/Authorities in Scotland both nationally and locally. It was in place to assist in influencing policies on policing, acting as a national voice for the Police Boards/Authorities and assisting the Boards/Authorities in their role. This included organised training for Board/Authority members to assist them in their duties. The membership of the

## Appendix I

Conveners Forum consisted, as the name suggests, of the Convenor from each of the eight Scottish Police Boards or their substitutes.

### **External Influences to Police Authorities in England and Wales**

Many of the external influences which related to Police Authorities in England and Wales were similar to those above for Scotland. However, two that were not replicated to any extent in Scotland include the Association of Police Authorities and the National Policing Improvement Agency. These are illustrated below for information. It should be noted that these bodies were those that were in place prior to the implementation of Police and Crime Commissioners in England and Wales in 2012 and have been replaced or renamed since.

#### **Association of Police Authorities (APA)**

The Association of Police Authorities was set up in 1997 as a conduit for the representation of the 43 police authorities in England, Wales and Northern Ireland and six centralised services such as the British Transport Police. The aims of the association were to:

- influence the national policing agenda on behalf of Police Authorities and local communities;
- promote awareness of policing needs and the role and achievements of Police Authorities;
- support Police Authorities in securing efficient and effective policing services across the country;
- help Police Authorities improve how they do their job; and
- uphold and champion the principles of local accountability and policing by consent.

<http://www.apa.police.uk>



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APA promoted its aims through methods such as developing policies, raising public awareness, lobbying Government, keeping Authorities up to date with developments, developing guidance and identifying and spreading good practice. Following the abolition of the Police Authorities and the election of Police and Crime Commissioners in May 2012 APA has been re-named the Association of Police and Crime Commissioners.

### **National Policing Improvement Agency (NPIA)**

The NPIA was a body set up by the police services in England and Wales and was sponsored and funded by the Home Office although it was owned and maintained by the police services. The intention of the body was to support the police services and improve the way they work.

The plan of the agency was to take a long term view of policing needs and give improved co-ordination of major national projects previously managed by separate organisations. Rationalisation of previous policing agencies removes overlap and duplication of effort. It looked to deliver a more professional approach and provide assistance through:

- Strengthening leadership in the service at all levels
- Developing the skills and professionalism of the workforce
- Implementing effective operational processes, practice and doctrine
- Increasing the efficiency of service delivery by forces
- Transforming the way information, evidence, knowledge and science is used
- Continuously improving the delivery of national services
- Enhancing the UK's role in global security.

<http://www.npia.police.uk>

In July 2010 it was announced by the Home Secretary that the NPIA was being phased out. From December 2012 the functions of the NPIA were taken over by the College of Policing.

## Other United Kingdom Police Services and Boards

### British Transport Police (BTP)

The British Transport Police, police the railway structure provide a policing service to rail operators, staff and passengers throughout the United Kingdom and has over 2800 police officers nationally. The Chief Constable, as is the case for other police Forces, has control over operational policing although legislation dictates that the Police Authority is responsible for setting out the annual policing objectives<sup>133</sup>.

The British Transport Police Authority was formed under the Railways, Transport and Safety Act 2003. The Authority comprises of members appointed by the Secretary of State. The requirements of membership of the Authority are detailed in Schedule 4 Section 2 of the above 2003 Act, and membership which will be an odd number of members shall not be less than 11 and no more than 17.

The main statutory duties and responsibilities of the Authority include:

- *Secure an efficient and effective police force for the railways;*
- *Hold the police budget and allocate resources;*
- *Appoint (and dismiss if necessary) the Chief Constable and senior police officers;*
- *Consult widely with relevant people about the policing of the rail network;*
- *Set policing priorities and targets for achievement;*
- *Monitor everything the police do and how well they perform against the targets set by the authority;*
- *Publish a three year and annual plan which tells train operators and passengers what they can expect from their police service and report on achievements every year;*
- *Make sure train operators, their staff and passengers people get best value from the British Transport Police;*
- *Oversee complaints against the police and discipline senior officers.*

<http://www.btpa.police.uk>

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<sup>133</sup> Railways and Transport Safety Act 2003, Part3 Reg. 50.

## Appendix J

To assist its operation the British Transport Police Authority deploys a number of sub-committees Strategy, Budget & Performance Monitoring Committee, the Audit Corporate Governance Committee, the Human Resources and Remuneration Committee, the Stakeholder Relations & Communication Strategy Committee and the Professional Standards Committee. These sub-committees consist of 9, 5, 4, 5 and 4 members respectively.

### **Civil Nuclear Constabulary (CNC)**

The Civil Nuclear Constabulary (CNC) is a civil police service that provides policing for civil nuclear licensed sites, nuclear materials, nuclear site operators and nuclear regulators. Being positioned within regional police Force areas the CNC often works along with their 'local' Force. The powers and duties of members of the CNC as police constables are extensive and are legislated for by The Energy Act 2004<sup>134</sup>. This Act also set out the creation of the Civil Nuclear Police Authority.

Unlike regional police services the CNC obtains its funding from the people who make use of the services. The main customers of CNC are BNFL, Urenco, UKAEA and BE. Again, unlike regional police services, the Civil Nuclear Policy Authority is the employee of all police personnel. The Authority has an independence from the CNC and consists of seven members who are appointed by the Secretary of State. Of the seven members five are recommended by the nuclear industry companies, one police advisor is elected and an independent Chair. The key functions of the Authority are to:

- *set the strategic direction for the Constabulary*
- *ensure that the Constabulary has sufficient resources to carry out its functions in accordance with that strategic direction and*
- *hold the Constabulary to account for the way in which it carries out those functions*

<http://www.cnpa.police.uk>

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<sup>134</sup> The Energy Act 2004 Chapter 20.

**The Ministry of Defence Police Service (MDP)**

The Ministry of Defence Police service is a civil police Force and is neither army, navy nor air force. The MDP are operationally controlled by a Chief Constable and comprises of around 3500 police officers who have full police powers and serve at Ministry of Defence establishments throughout the United Kingdom. In Scotland examples of Ministry of Defence (MoD) locations include the Royal Ordnance Factory at Bishopton and the Clyde Naval base. In contrast to other policing in Scotland approximately 70% of MoD police officers carry firearms on duty.<sup>135</sup>

The MDP Committee has, since restructuring on 1<sup>st</sup> October 2007, held focus on the policing of the MDP. Section 1(5) of the Ministry of Defence Police Act 1987 provides for the appointment of the Police Committee by the Secretary of State for Defence. The restructuring in 2007 also allowed the make-up of the members to reflect an independent approach for MDP governance. The committee is made up of eight members. These comprise of an independent Chair and three other independent members. There are two police advisers, one for Scotland and one for England and Wales and two senior MoD officials on the board.

The MDP committee are required to report annually to the Secretary of State on the deliverance of policing services by the MDP. The committees' functions include<sup>136</sup>:

- *Ensure that police powers and authority are impartially and lawfully exercised by the Chief Constable;*
- *Confirm that the MDP is meeting the standards required of a police force;*
- *Validate that the MDP's exercise of its authority is responsible, proportionate and impartial;*
- *Validate that the MoD's use of the MDP is appropriate in relation to the exercising of policing powers and authority;*

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<sup>135</sup><http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/SecurityandIntelligence/MDPGA/MinistryOfDefencePolice.htm>.

<sup>136</sup><http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/SecurityandIntelligence/MODPoliceCommittee/ModPoliceCommitteeTermsOfReference.htm>.

## Appendix J

- *Provide scrutiny and guidance on any other matter in relation to the use of policing powers which falls within the responsibility of the MDP;*
- *Consider the MDP's targets, performance and the MPDGA's corporate plan as far as required to exercise the above functions;*
- *Consider all complaints made against all members of the chief officer ranks of the MDP. This may be delegated to a sub-panel of the MoD committee;*
- *Undertake all responsibilities required of the Conduct and Appeals Regulations (Statutory Instruments);*
- *Submit an annual report to the Secretary of State for Defence on the MDP's discharge of policing powers;*
- *Publish the operating costs and expenses of the Police Committee each year.*

<http://www.mod.uk>

The committee has a sub-committee for dealing with complaints and discipline which has three members who comprise the chair, an independent committee member and a police adviser. However, unlike other police services, the MoD Police Service Authority does not provide a strategic direction for the police Force, this is provided for by the Ministry of Defence Police and Guarding Agency Owners Advisory Board (MDPGAOAB) which was set up in 2007 with the transfer of ownership from the Second Permanent Undersecretary to the MoD Personnel Director.

### **Northern Ireland Policing Board (NIPB)**

As a reflection on the much publicised troubles in Northern Ireland, as part of the Belfast Agreement (Good Friday Agreement) an independent commission was set up to look at the way forward for policing in Northern Ireland. The Commission published its Report entitled 'Report of the Independent Commission on Policing for Northern Ireland'. As a result The Northern Ireland Policing Board was established on 4<sup>th</sup> November 2001. The Board takes its powers from the Police (Northern Ireland) Act 2000 which outlines the main duties of the Board to ensure the oversight, accountability and independence of the Police Service of Northern Ireland. The main functions of the Board are as follows:

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- *to secure an effective and efficient local police service*
- *to appoint (and dismiss, if necessary) the Chief Constable and senior police officers (Assistant Chief Constable and above)*
- *to consult widely with local people about the policing of their area*
- *to set local policing priorities and targets for police performance*
- *to monitor everything the police do and how well they perform against the targets set by the Policing Board*
- *to publish a three year and annual policing plan which tells local people what they can expect from their police service and report on police performance every year*
- *to make sure local people get best value from their local police*
- *to oversee complaints against senior officers*
- *to discipline senior officers*

<http://www.nipolicingboard.org.uk>

The Board has 19 members in total, including a Chair and a Vice-Chair, nine of whom are independent members and the remaining 10 are political members. The Policing Board is assisted by around 60 support staff that advise, support, assist and represent the Board members where appropriate.

## Questions for Board Governance (Huse 2007)

### **A review of the overall governance structure**

- *Who controls the voting equity?*
- *Is there a majority control?*
- *Do informal power blocks exist?*
- *What governance changes might foreseeably occur?*
- *Is the present governance arrangement suitable for the company?*
- *How could governance arrangements be improved?*

### **A review of the board structure**

- *Is the balance of members appropriate?*
- *Is the size of the board suitable?*
- *How is the relationship between the chair and the CEO?*

### **A profile of board members**

- *What is the contribution of each member? (This considers aspects such as the length of board service of each member, age, professional background, skills and the contribution by members to the board and committees)*
- *What gaps are there from members on the board?*
- *Is there a need for succession planning?*
- *Is the training for members suitable?*

### **A review of the board style, efficiency and effectiveness**

- *How does the board and committee use its time?*
- *What issues are put on the meeting agendas?*
- *How are meetings planned and run?*
- *Does the board have a quality of leadership?*

Huse (2007)

## Appendix K

### Questions for Board Governance (Tricker 2009)

- *How does the board define its board and duties?*
- *How does the board prioritise its responsibilities?*
- *How effectively does the board monitor company performance?*
- *Does the board have sufficient independence to perform its duties properly?*
- *Does the board have the right mix of skills to achieve its goals?*
- *Does the board have the right size and structure?*
- *How does the board oversee auditing functions to minimise risk?*
- *How does the board best structure and use its nominating committee?*
- *What is the board's role in determining director and executive compensation?*
- *How does the board conduct CEO appointment and succession planning?*
- *Are the board's decision making processes effective?*
- *Does the board have a process for evaluating whether it is achieving its goals?*
- *Can the board make course corrections if necessary?*
- *Does the board communicate effectively to investors?*

Tricker (2009)



## **An Insight into Three Non-Police Boards in the United Kingdom**

### **Marks and Spencer**

Marks and Spencer is a familiar sight on the ‘High Street’ with over 600 stores in the UK which over 21 million people visit each week. The company employs some 75,000 people worldwide. Its main source of business is selling clothing, home wares and food although it has, like many other large “High Street” retailers, moved into the area of finance, selling insurance, loans etc. The company is a public limited company, limited by shares having its registered offices in England and Wales.

The Marks and Spencer board role is to:

- *Provide the entrepreneurial leadership of the company within a framework of prudent and effective controls which enables risk to be assessed and managed;*
- *Set the Company’s strategic aims, ensuring that the necessary financial and human resources are in place for the company to meet its objectives and review management performance; and*
- *Set the Company’s values and standards and ensure that its obligations to its shareholders and others are understood and met.*<sup>137</sup>

<http://www.marksandspencer.com/annualreport08>

In addition to the above collective responsibilities, the directors of the board have statutory duties as outlined in the Companies Act 2006.

- Duty to act within powers. (Regulation 171)
- Duty to promote the success of the company. (Regulation 172)
- Duty to exercise independent judgment. (Regulation 173)
- Duty to exercise reasonable care, skill and diligence. (Regulation 174)

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<sup>137</sup> Marks and Spencer Group PLC, corporate governance statement p.39.  
<http://www.marksandspencer.com/annualreport08>.

## Appendix L

- Duty to avoid conflicts of interest. (Regulation 175)
- Duty not to accept benefits from third parties. (Regulation 176)
- Duty to declare interest in proposed transaction or arrangement. (Regulation 177)

Companies Act 2006

On 1<sup>st</sup> June 2008 the board consisted of 10 directors, the Executive Chair, the Non-executive Deputy Chair, four executive directors and four non-executive directors<sup>138</sup>. The non-executive directors are independent, not employed by Marks and Spencer and are intended to play their part in the board's activities and bring an outside view to the board. On their appointment all directors are informed of their duties and responsibilities to the company and as provided in statute under the companies Act 2006.

It is the responsibility of the Chair to ensure that the directors receive regular, clear board information on time. The Chair also meets regularly with non-executive board members to ensure that they are fit for their duties. New director appointments are reviewed by a nomination committee headed by the Chair, assisted by all non-executive directors. The company statement of corporate governance requires that there should be no individual unencumbered power of decision for the operation of the company's business.

The board has overall responsibility for the assessment and monitoring of its own performance. The performance of the board is seen as vital to the success of the group and the board evaluates its performance in a number of ways. Board performance measurement includes a collective performance questionnaire completed by all directors, individual performance reviews. In addition to this the board's accountability is assured by an independent internal audit and external auditors. The audit committee comprises of four of the non-executive directors.

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<sup>138</sup> The company intends to increase the number non-executive directors to increase the independence of decision making. *Corporate Governance Statement 2008* A.3.1.

## Appendix L

Directors' remuneration is recommended by the remuneration committee consisting of four non-executive directors. The duty of this subcommittee is to ensure that directors and senior management are fairly rewarded with regard to company financial and commercial performance. The directors however receive an indemnity from the company in respect of liabilities occasioned as a result of their position and where indemnity cannot be given the company will cover the directors under relevant indemnity assurance.

The board's interaction with stakeholders such as shareholders and investors is maintained by communication through regular postal and web communication<sup>139</sup>. As per many other companies the board is also required to answer questions raised at the company's annual general meetings.

### **British Petroleum p.l.c. (BP)**

BP is one of the world's largest energy companies providing petrochemical products for fuel, energy and related products. In 2007 BP employed 97,600 personnel and recorded a turnover of US\$284 Billion<sup>140</sup>.

The board of BP is responsible for the governance and oversight of BP business and is accountable to its shareholders, who are the owners of BP. Duties of the board include:

- *Reviewing and where appropriate determining the long term strategy of BP.*
- *Monitoring the performance of the Group Chief Executive and ensuring suitable risk management is in place.*
- *Ensure that there are structures in place for the succession, evaluation and compensation of senior management, executive directors and the Group Chief Executive*

BP p.l.c. Board Governance Principles (2008)<sup>141</sup>

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<sup>139</sup> Following shareholder approval in July 2007 the web is now the main source of communication. Marks and Spencer Group PLC, corporate governance statement p.42.  
<http://www.marksandspencer.com/annualreport08>.

<sup>140</sup> BP 2007 annual report.  
<http://www.bp.com/sectiongenericarticle.do?categoryId=3&contentId=2006926>.

## Appendix L

The board holds meetings regularly for the consideration of relevant items; although the content of these meetings is recorded, the record is maintained in confidence. The board also has all the regulatory duties as required by the Companies Act 2006.

In the monitoring of the board and company performance the board may use whatever means that it feels necessary for the purpose including the use of sources outside the company.

In the same manner as Marks and Spencer, the board is composed of appropriate members and to ensure independence of judgment. Over half of the board will comprise of Non-executive directors who are independent and free from any other connection that could compromise their decisions with regard to their BP appointment.

The Chair and Non-executive directors receive a fee for their services as directors whilst Executive directors do not. All directors have to be re-elected by the shareholders each year. The performance of the board, its committees and individual directors is monitored regularly by the board itself. Although the Group chief Executive will be reviewed by Non-executive members only and Executive Directors will be reviewed by the Group Chief Executive and Non-executive directors. Induction and continued training for directors is provided to ensure that directors can complete their duties.

The Chair and Deputy Chair will be appointed by the board and neither will be employed as executives of BP. The Chair has the duty to lead the board and can act as spokesman for the board. The Chair may make any decision or obligation, consistent with the board's principles on their own accordance without referring to the board. The Chair, however, must ensure that the board is kept up to date with board matters that are relevant for board consideration. The main duty of the Deputy Chair is to act in the place of the chair in their absence.

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<sup>141</sup> As highlighted in BP p.l.c. Board Governance Principles (2008).

## Appendix L

The board may also delegate responsibilities to sub-committees of the board which if authorised can speak and act for the board. On December 2008 the board had six committees all bar one of which were constituted of Non-executive Directors who were appropriate for the committee. The only committee which contained Executive directors was the Results Committee which is composed of the Chair, the Group Chief Executive and the Chief Finance Officer. These board officers are responsible for the release of financial statements and dividend announcements.

### **The National Health Service (NHS)**

It is worth taking the opportunity to also have an overview of another public body that provides services to the public. To this end this review includes a brief insight into the governance of the National Health Service. The National Health Service provides for public health care paid for by the public purse. The Scottish Government has a responsibility for financing the NHS and maintaining an overview. Close to one third of all public spending in Scotland (approximately £10 billion) is allocated to the NHS. Health legislation is put forward by the Scottish Parliament and the Scottish Government sets national objectives for each NHS board. The Chief Executive of NHS Scotland heads the Health Department which oversees the work of the 14 NHS Boards and is responsible for the management of the NHS and accountable to Ministers for the efficiency and performance of the service.

Provision of healthcare in Scotland is divided into 14 areas or Health Boards<sup>142</sup>. Each of these individual boards is responsible for the overview of governance for the National Health Service within its own geographic area. In addition there are seven special boards which provide Scotland wide services such as ambulance services and telephone services.

The boards provide an overall organisation of NHS services through planning, commission and delivery of health care for the population in their areas including

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<sup>142</sup> Ayrshire and Arran, Borders, Dumfries and Galloway, Fife, Forth Valley, Grampian, Greater Glasgow & Clyde, Highland, Lanarkshire, Lothian, Orkney, Shetland, Tayside and the Western Isles.

## Appendix L

general practitioner services, dentists, community pharmacists and independently contracted opticians. Boards also work together in the areas of specialist healthcare or where appropriate to provide the most effective service.

Boards are made up of a number of members including executive directors of the NHS, lay members and Local Authority elected members. The overall purpose of each board is to make effective, efficient and accountable governance of the local NHS and to provide leadership. The role of the board includes improving and protecting the health of local people, improving health services, focusing on health outcomes and peoples experience of their local NHS, promoting integrated planning by working with other organisations and providing one area of accountability for the performance of the local NHS.

There has, however, been a pilot scheme in Dumfries and Galloway and Fife in June 2010 where voters directly elected people to be their representatives on the NHS boards in the regions. This pilot project will be assessed within five years by the London School of Economics. It is thought, however, that these elections will improve democracy and lead to the reduction of non-executive members of the board being appointed by Scottish ministers, and the number of executive members on the NHS boards. On the other hand this may lead to risks by reducing the board's ability to govern with a loss of the required skills or expertise of board members. It is also argued that there may be pressure on individual elected members to represent their electorate and thereby possibly conflict with the responsibilities to the collective board and to the Scottish ministers (Audit Scotland (2010)).

## **Examples of International Police Services/Boards**

### **Canada**

In May 2008 there were 65,000 police officers spread across Canada. In Canada, however, Policing is not the responsibility of one police Force or even one level of Government. Policing is divided over Canada's three levels of Government, Federal, Provincial/Territorial and Municipal.<sup>143</sup> In addition to these three levels First Nation Communities<sup>144</sup> may also have their own police service. Costs of policing are split between Federal, Provinces and Municipalities depending on the policing established in the area.

At Federal level the Royal Canadian Mounted Police (RCMP) is responsible for enforcing Federal law (criminal law) throughout Canada. RCMP also has responsibility for other services such as forensic services and the Canadian Police College. The Provinces may organise their own provincial police services which are responsible for policing statutes passed by the Province and criminal law. The Provinces may elect for the RCMP to police their area and 'hire' the policing from RCMP. In addition to the provincial police services Municipalities may form their own police service. The Municipalities, in general, have three options for policing: they can form their own police service, join the existing Municipal police service or agree for policing from an existing Provincial police service or the RCMP. There are occasions where the provision of policing can overlap and in some areas Provincial police services provide traffic duty support to Municipal police services.

First Nation policing also may be provided in a number of ways and is protected by statute.<sup>145</sup> The First Nation may form its own police service or it can enter into an agreement with the Provinces to provide it with dedicated resources from a current police service (usually the RCMP). Differing levels of policing also results in different forms of governance in police services. In general Provincial and Municipal

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<sup>143</sup> Statistics Canada, (2008), *Police Resources in Canada 2008*, Catalogue no. 85-225-X.

<sup>144</sup> Refers to aboriginal communities throughout Canada.

<sup>145</sup> Public Safety and Emergency Preparedness Canada, *First Nation Policing Policy, Aboriginal Policing*. <http://www.psepc-sppcc.gc.ca>.

## Appendix M

police services have Police Boards, however, the RCMP does not. The RCMP operates under the direction of the Minister of Public Safety Canada and in accordance with the Royal Canadian Mounted Police Act<sup>146</sup>. The Commissioner of the service has control and management of all aspects of the operation of the service.<sup>147</sup>

On the other hand, Provincial and Municipal police services provide governance for the running of their respective police services. Provincial statutes are in place which ensures the provision of Police Boards for Municipal police services. In general, the Police Board are similar to those in Scotland and are comprised of members appointed by the Council (although not a Councillor) in accordance with the respective Province/Territory Police Act and HRM Bylaws. In the case of the Chair for example in British Columbia is the Mayor. The specific functions of a Municipal Police Board include:

- *Establishing policies for the effective management of the police service.*
- *Outlining results, policies and values for the service to adhere to.*
- *Developing the annual department priorities, goals and objectives in consultation with the Chief Constable.*
- *Preparing and approving of capital and operating budgets prior to submission to municipal council.*
- *Clarifying Board/staff relationships including the appointment of the Chief Constable, the selection and hiring processes for sworn members and civilian employees.*
- *Evaluating annually the performance of the Chief Constable.*
- *Making rules, guidelines and policies for the administration of the police service, and the efficient discharge of duties by municipal constables.*

British Columbia, Municipal Police Board Governance in British Columbia, p.12.

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<sup>146</sup> Royal Canadian Mounted Police Act (R.S., 1985, c. R-10).

<sup>147</sup> [http://www.rcmp-grc.gc.ca/about/organi\\_e.htm](http://www.rcmp-grc.gc.ca/about/organi_e.htm).



## Appendix M

Like policing in Scotland the Chief Constable has sole responsibility for command of operational policing matters in their own Force area, however, Section 25(1) of the Garda Siochana Act 2005 allows the Minister of Justice to issue directives to the Commissioner on the approval of Parliament.

A comparative view of non-Scottish Police Board meetings was also examined by observation of live video feeds of a Board meeting of the Toronto Police Services Board; this will help to give a better understanding of Police Boards outside Scotland.

### **Sweden**

Unlike the United Kingdom<sup>148</sup>, Sweden has a national police service responsible for the policing of Sweden. The day to day policing areas are split into 21 Police Authorities each of which equate to the boundary of the county in which it is situated.

The governance of the police in Sweden is split amongst several different bodies who share the responsibility for supervision of the police. These include The Office of the Parliamentary Ombudsmen, The National Audit Office, The office of the Chancellor of Justice and The National Police Board.

The National Police Board performs some similar functions as Police Boards in the United Kingdom. The National Police Board is responsible for coordinating and supervising the police and deciding how the funds allocated by the Government are distributed to the police services. The 21 Police Authorities have localised Police Boards that operate with a significant autonomy over the allocation of resources and finance (Carmona and Gronlund, 2003).

Unlike the United Kingdom, where policing operational decisions are exclusively the responsibility of the Chief Constable, the National Police Board is also responsible

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<sup>148</sup> At March 2009.

## Appendix M

for planning and coordination of police response to special incidents. In addition the National Police Board is also responsible for supervising the National Laboratory of Forensic Science as well as the provision of police training. Unlike Scotland where all Police Board members are currently elected Councillors from the police area, the head of Sweden's National Police Board, The National Police Board Commissioner, is appointed by the Government<sup>149</sup> and would appear possibly more closely related to the framework of the Metropolitan Police Authority than a Police Board in Scotland.

### **New Zealand**

New Zealand has a national police service headed by the Commissioner although it is divided into 12 geographic districts each with its area of responsibility presided over by a superintendent. The governance of the police Force is centralised to provide a national oversight and management of the police Force.

Although the Commissioner has independence with regards to daily policing decisions the police service is an instrument of the Crown governed by statute in the Policing Act, (2008), New Zealand. The Commissioner reports to the Minister of Police who has a role in consulting the Commissioner over Police's operational requirements, and allocating resources for specific initiatives. The Minister also provides direction to the Commissioner on overall police resourcing, and matters of administration that do not directly affect the Commissioner's operational policing duties.

Oversight of Police is also provided by Parliamentary select committees, independent office holders like Ombudsmen and the Controller and Auditor-General, and via residual powers such as the Government's ability to order ministerial inquiries and establish commissions of inquiry (New Zealand Police, 2008).

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<sup>149</sup> <http://www.polisen.se/inter/nodeid=10232&pageversion=1.jsp>. The Swedish Police Service web site.

## **Police Authorities in England and Wales**

In general the Police Authorities consisted of 17 members, nine of whom were Councillors and 8 were independent members. The exceptions of Devon and Cornwall, Greater Manchester, Thames Valley, Dyfed Powys and South Wales each had nineteen members, of which ten were Councillors and nine were independent members. London, due to its geographical and political nature, had two Police Authorities, The City of London Police Authority and the Metropolitan Police Authority. The City of London Police Authority was also made up of 17 members but they consisted of three lay justices, five persons who live in the City and nine who work in the City.

The Metropolitan Police Authority because of its size, political and strategic position and nature was governed by its own regulations, The Metropolitan Police Authority Regulations 2008. The Metropolitan Police Authority had 23 members, 12 of these were London Assembly members appointed by the Mayor of London, and 11 were independent members, of which one was appointed by the Home Secretary. The remaining 10 were appointed by the Metropolitan Police Authority from a shortlist compiled by the Metropolitan Police Authority Selection Panel.

Observations were carried out by the researcher of a Metropolitan Police Authority meeting through live video feed. This gives a better understanding of Police Boards outside Scotland as a comparative view of Scottish Police Board meetings discussed in Chapter 6 of this thesis.

The Council members of Cumbria, Hertfordshire, Lincolnshire, Norfolk, Northamptonshire, Suffolk and Warwickshire Police Authorities were appointed from local Councillor members whilst all other Police Authority members were appointed from the top ranking Councils that cover the police area. Independent members who must have been over 18 years of age were selected from a short list of people who had lived or worked in the area concerned for at least 12 months.

## Appendix N

The English/Welsh Police Authorities appointed a Chair and could also appoint Vice-Chairmen from their own numbers. An exception to this was the Metropolitan Police Authority. From 1<sup>st</sup> October 2008, the Mayor of London could appoint themselves as the Chair of the Metropolitan Police Association in the place of a London Assembly member.<sup>150</sup> Most of the duties and power of Police Authorities in England and Wales were set out in the Police Act 1996.

The Police Authorities were also responsible for their respective Force's finance and had the power, with the consent of the Home secretary, to appoint or remove the Chief Constable. The Commissioner of the Metropolitan Police however was an exception as they were appointed by Her Majesty the Queen on the advice of the Home Secretary, although the Home Secretary had a requirement to consult with the Metropolitan Police Authority before so advising the Queen. The responsibility for the operational policing of each police service is the sole remit of the Chief Constable or Commissionaire of the respective Police Service.

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<sup>150</sup> <http://police.homeoffice.gov.uk/police-reform/membership-police-authorities/membership/london/>

## Bibliography

### **Bibliography**

Ackroyd, S. (2008) 'Explanation and Discovery in Realist-informed Organisational Research: A Discussion of Some Research Designs in Common Use', In D. Buchanan and A. Bryman, (eds.) *Handbook of Organizational Research Methods*, Sage.

Association of Police Authorities. (2010) *Police Authority Structures and Functionality*, APA.

Audit Commission. (2010) 'Learning Lessons', An overview of the first ten joint inspections of police authorities by HMIC and the Audit Commission.

Audit Scotland. (2009) *Best Value 2, Proposals for Consultation*, The Accounts Commission, Edinburgh, Also available, <http://www.audit-scotland.gov.uk/>

Audit Scotland. (2010) *The role of boards*, Audit Scotland.

Barrie, D, G. (2008) *Police in the age of improvement*, Willan Publishing.

Berkowitz, S. (1997) 'Analyzing Qualitative Data', In J. Frechtling. L. Sharp. and Westat. (Eds.), *User-Friendly Handbook for Mixed method evaluation*, (Ch 4). [http://www.ehr.nsf.gov/EHR/REC/pubs/NSF97-153/CHAP\\_4.HTML](http://www.ehr.nsf.gov/EHR/REC/pubs/NSF97-153/CHAP_4.HTML).

Bevir, M. (2009) *Key Concepts in Governance*, Sage Publications Ltd.

Bhaskar, R. (1975) *A realist theory of science*, Leeds, Leeds Books.

Bhaskar, R. (1989) *Reclaiming Reality: A Critical Introduction to Contemporary Philosophy*, Verso, London.

## Bibliography

Blunkett, Rt Hon D, MP. (2009) *A people's police force, Police Accountability in the Modern Era*, p.33.

<http://www.auditcommission.gov.uk/SiteCollectionDocuments/Consultation/20090429paconsultation.pdf>

British Columbia. (2003) *Municipal Police Board Governance in British Columbia*, Police Academy, Justice Institute of British Columbia.

Bryman, A. (2008) *Social Research Methods*, Oxford University Press.

Burrell, G. and Morgan, G. (1980) *Sociological Paradigms and Organisational Analysis: Elements of the Sociology of Corporate Life*, Heinemann, London.

Cadbury Report. (1992) *The Financial Aspects of Corporate Governance*, Burgess Science Press.

Cadbury, A. (2004) in Clarke, T. (2004) *Theories of Corporate Governance, the philosophical foundations of corporate governance*, Routledge.

Carmona, S. and Gronlund, A. (2003) 'Measures vs actions: the balanced scorecard in Swedish Law Enforcement', *International Journal of Operations & Production Management*, Vol. 23 No.12, pp.1475-1496.

Carrabine, E. Cox, P. Lee, M. Plummer, K. and South, N. (2004) *Criminology a social introduction*, Routledge.

Carver, J. (2006) *Boards that make a difference, a new design for leadership in non-profit and public organisations*, Jossey Bass.

Christie et al. (2011) *Commission on the Future Delivery of Public Services*, APS Group Scotland.

## Bibliography

CIPFA. (2008) *Delivering good governance in Local Government: guidance notes for Scottish Authorities*, CIPFA.

Coffey, A. and Atkinson, P. (1996) *The Ethnographic Self: Fieldwork and the Representation of Reality*, London, Routledge.

Collins, D. (1998) *Organisational Change, Sociological Perspectives*, Routledge.

Collier, A. (1994) *Critical realism: an introduction to the philosophy of Roy Bhaskar*, London, Verso.

Colquhoun, P, LL.D. (1800) *Treatise on the police of the metropolis; Containing a detail of the various crimes and misdemeanours by which public and private property and security are, at present, injured and endangered: and suggesting remedies for their prevention*. 6<sup>th</sup> Edition, H. Baldwin and Son, London.

<http://www.gutenberg.org/files/35650/35650-h/35650-h.htm>

Corbetta, P. (2003) *Social Research theory, Methods and Techniques*, Sage Publications.

Corporate Governance Research Centre. (1999) *Determining Board Effectiveness*, US Conference Board.

Cornforth, C. and Edwards, C. (1998) *Good governance, Developing Effective Board-Management Relations in Public and Voluntary Organisations*, Chartered Institute of Management Accountants.

COSLA and the Scottish Government. (2008) *Scotland's Councillors 2007*.

Crerar Review. (2007) *The Report of the Independent review of Regulation, Audit, Inspection and Complaints handling of Public Services in Scotland*, The Scottish Government.

## Bibliography

David, M. and Sutton, C. (2004) *Social Research, the basics*, Sage Publications.

Davies, Lord M. (2011) *Women on boards*, February 2011.

<http://www.bis.gov.uk/assets/biscore/business-law/docs/w/11-745-women-on-boards.pdf>.

Day, P. and Klein, R. (1987) 'Accountabilities', London: Tavistock. in Newburn, T. (2008) *Handbook of Policing*, 2<sup>nd</sup> Edition, Willan Publishing.

Dick, B. (2000), *Delphi face to face*, [http://www.uq.net.au/action\\_research/arp/delphi.html](http://www.uq.net.au/action_research/arp/delphi.html).

Dinsmore, A. (2000) 'Glasgow Police Pioneer's', *Police History Journal*, 15<sup>th</sup> November 2000.

Dobson, P. J. (2002) 'Critical realism and information systems research: why bother with philosophy?', *Information Research*, 7(2).

Docking, M. (2003) *Public Perceptions of police accountability and decision-making*, Home Office Publications.

Donnelly, D. (2008) *Municipal Policing in Scotland*, Dundee University Press.

Donnelly, D. and Scott, K. (2002) Police accountability in Scotland: [1] the 'new' tripartite system, *The Police Journal*, Volume 75.

Donnelly, D. and Scott, K, (2005) *Policing Scotland*, Willan Publishing.

Donnelly, D. and Scott, K. (2006) 'All together now: A national police service for Scotland', *The Police Journal*, Volume 79.



## Bibliography

Donnelly, D. and Scott, K. (2008) 'Policing in Scotland', In Newburn, T. (2008) *Handbook of Policing*, 2<sup>nd</sup> Edition, Willan Publishing.

Donnelly, D. and Scott, K. (2010) *Policing Scotland*, 2<sup>nd</sup> Edition, Willan Publishing.

Donnelly, D. and Wilkie, R. (2002) 'Policing the Police, States of Scotland', in *Scottish Centre for Police Studies Occasional Paper No.2, Contemporary Issues in Scottish Policing*, Published by Bell College, Hamilton.

Dyer, W G. and Wilkins, A L. (1991) 'Better stories, not better constructs, to generate better theory; A rejoinder to Eisenhardt', *Academy of Management Review*, 16; 613-19.

Easterby-Smith, M. Thorpe, R. & Lowe, A. (1991) *Management Research: An Introduction*. UK: London, US: California, India: New Delhi: SAGE Publications Ltd.

Eden, C. and Ackermann, F. (1998) *Making Strategy: The Journey of Strategic Management*, Sage Publications.

Eisenhardt, K. M. (1989) 'Theories from Case Study Research', *The Academy of Management Review*, Vol 14, No.4, (Oct 1989) pp532-550, published by; Academy of Management.

Emery. V, (12/11/2012), *We are at the beginning of a new era of accountability for the police*, The Herald Letters p.15.

Etherson, P. (2010). 'A comparative study of Scottish Police Boards (A profile of the composition of Police Boards in Scotland)'. *SIPR Research Summary No: 4*, January 2010.

[http://www.sipr.ac.uk/downloads/Research\\_Summaries/Research\\_Summary\\_4.pdf](http://www.sipr.ac.uk/downloads/Research_Summaries/Research_Summary_4.pdf).

## Bibliography

Etherson, P. (2013) 'A Comparative Study of Police Boards in Scotland: a reflection on the profile of Police Boards and the Scottish Police Authority', *Scottish Institute for Policing Research, Annual Report 2012*.

[http://www.sipr.ac.uk/downloads/SIPR\\_Annual\\_Report\\_12.pdf](http://www.sipr.ac.uk/downloads/SIPR_Annual_Report_12.pdf).

Fyfe, N.R. (2011) 'Policing in Scotland', in H. Croall, G. Mooney and M. Munro (eds) *Criminal Justice in Scotland: critical perspectives*, Cullompton: Willan Publishing.

Fyfe, N.R. (2013) 'A different and divergent trajectory? Reforming the structure, governance and narrative of policing in Scotland', in Brown, J. (ed) (2013) *The Future of Policing*, London; Routledge.

Fyfe, N.R. and Henry, A. (2012) 'Negotiating divergent tides of police reform within the United Kingdom', *Journal of Police Studies*: 25(4): 171-190.

Gillan, Stuart L. (2006) 'Recent Developments in Corporate Governance: An Overview', *Journal of Corporate Finance* 12 (2006) 381– 402.

Green, S. (2005) *Sabrines-Oxley and the Board of directors, techniques and best practices for Corporate Governance*. Wiley.

Goudie, Dr A. (2009) Chair of Concordat Oversight Group, *Letter to chief officers relating guidance on, Single Outcome Agreements (SOAs) 2009 Governance & Accountability for SOAs*.

Harper, J. (2007), *Chairing the board (revised addition), a practical guide to activities and responsibilities*, MPG Books Ltd.

Hart, C. (2006) *Doing your Masters Dissertation*, London, Sage Publications.

## Bibliography

Higgs, D. (2003) *Review of the role and effectiveness of non-executive directors*, Department of Trade and Industry, HMSO, London.

HMIC and Audit Commission, (2010) *Learning Lessons*, March 2010.

HMIC. (2010) *Police Governance in Austerity; HMIC thematic report into the effectiveness of police governance*, HMIC.

HMICS. (2004) *Quality of Service, A review of the investigation of complaints against the police in Scotland*, Crown copyright 2004.

HMICS. (2007) *Enquiry into the effective use of police resources*, Her Majesty's Inspectorate of Constabulary for Scotland.

HMICS. (2009) 'Independent Review of Policing in Scotland, Her Majesty's Inspectorate of Constabulary for Scotland', *A report for the Cabinet Secretary for Justice*, Published by Her Majesty's Inspectorate of Constabulary for Scotland.

HMICS. (2009b) "*Thematic Inspection Strategic priority setting in Scottish Forces: Consulting the public*", Her Majesty's Inspectorate of Constabulary for Scotland.

HMICS. (2009c) *Tayside Police and Tayside Joint Police Board Best Value Audit and Inspection*, HMICS and Audit Scotland, December 2009.

HMICS. (2010) *Northern Constabulary and Northern Joint Police Board Best Value Audit and Inspection*, HMICS and Audit Scotland, April 2010.

HMICS. (2011) *Grampian Police and Grampian Joint Police Board Best Value Audit and Inspection*, HMICS and Audit Scotland, February 2011.

HMICS. (2011b) *Strathclyde Police and Strathclyde Police Authority Best Value Audit and Inspection*, HMICS and Audit Scotland, July 2011.

## Bibliography

HMICS. (2011c) *Lothian and Borders Police and Police Board Best Value Audit and Inspection*, HMICS and Audit Scotland, December 2011.

HMICS. (2012) *Dumfries and Galloway Police Fire and Rescue Committee, Dumfries and Galloway Constabulary and Police Authority Best Value Audit and Inspection*, HMICS and Audit Scotland, June 2012.

HMICS. (2012b) *Central Scotland Police and Central Scotland Joint Police Board, Best Value Audit and Inspection*, July 2012.

HMICS. (2012c), *Fife Constabulary and Fife Police Authority Best Value Audit and Inspection*, HMICS and Audit Scotland, September 2012.

Home Office. (2008) *From the Neighbourhood to the National: Policing our Communities Together*, Home Office.

Home Office. (2009) *Policing in the 21<sup>st</sup> Century, The government reply to the seventh report from the home affairs committee, Session 2007-08 hc 364*, The Stationary Office.

Home Office. (2009), *The government reply to the seventh report from the home affairs committee session 2007-08 HC 364 Policing in the 21<sup>st</sup> Century*, Home Office.

Home Office. (2011) *Police and crime commissioners: a guide for councils*, Local Government Group.

Huse, M. (1998). 'Researching the Dynamics of Board – Stakeholder Relations', *Long Range Planning*, 31, pp. 218–226.

## Bibliography

Huse, M. (2005) 'Accountability and creating accountability: a framework for exploring behavioural perspectives of corporate governance', *British Journal of Management*, Vol 16, S65-S79.

Huse, M. (2007) *Boards, Governance and Value Creation*, Cambridge University Press.

Independent Commission for Good Governance in Public Services. (2004) *The Good Governance Standard for Public Services*, Independent Commission for Good Governance in Public Services.

Independent Commission on Policing. (1999) *A new beginning for policing in Northern Ireland*, Belfast: Northern Ireland Office.

Ipsos MORI, Social Research Institute. (2010) *Police accountability and governance structures, public attitudes and perception*, Ipsos MORI.

Jefferson, T. and Grimshaw, R. (1984) *Controlling the Constable, Police Accountability in England and Wales*, Frederick Muller limited.

Johnson, R. B. and Onwuegbuzie, A. J. (2004) 'Mixed Methods Research: A Research Paradigm Whose Time Has Come', *Educational Researcher* 2004 33: 14, Sage publications.

Jones, T. (2008) 'The accountability of policing', in Newburn, T, Ed. (2008) *Handbook of policing*, 2<sup>nd</sup> Ed, Willan Publishing.

Jones, T. and Newburn, T. (1997) *Policing After the Act*, London, Policy Studies Institute.

Jones, T. Newburn, T. and Smith, D. (1994) *Democracy & Policing*, Policy Studies Institute.

## Bibliography

Kant, I. (1855) *Critique of Pure Reason*, Translated by J. M. Meiklejohn, London, Henry J Bohn.

Kahn, R.L. and Cannell, C. F. (1957) *The dynamics of interviewing: Theory, technique, and cases*, Wiley (New York).

Kelliher, F. (2005) 'Interpretivism and the Pursuit of Research Legitimation: An Integrated Approach to Single Case Design', *The Electronic Journal of Business Research Methodology*, Vol. 3, Issue 2, pp.123-132.

Klein, H. & Myers, M. (1999) 'A Set of Principles for Conducting and Evaluating Interpretive Field Studies in Information Systems', *MIS Quarterly*, Vol. 23, No.1, pp67-94, March 1999.

Klein, H. (2004) 'Seeking the new and critical in critical realism: déjà vu', *Information and Organisation* 14 (2004) 123-144.

Kosnik, R. D. (1987) 'Greenmail: A Study of Board Performance in Corporate Governance', *Administrative Science Quarterly*, Vol. 32, No. 2 (Jun., 1987), pp. 163-185 Published by: Johnson Graduate School of Management, Cornell University Stable URL: <http://www.jstor.org/stable/2393124>.

Laing, A. and Fossey, E. (2011) *Governance and accountability of policing in Scotland: a discussion paper by HM Inspectorate of Constabulary*, HMICS (Full report).

Lintoula, P. (2008) 'Scope of Action as Scene of 'Everyday Drama': A study in a Finnish newspaper. An institutional and critical perspective to the interpretation of empiric material', *Electronic Journal of Business Ethics and Organization Studies*, Vol. 13, No.1 pp51-65 2008.

## Bibliography

Local Government Authority. (2008) *Answering to you, policing in the 21<sup>st</sup> century, policing accountability an LGA discussion paper*, LGA publications.

Loveday, B. (1987) *Joint Boards for the police in Metropolitan areas, A preliminary assessment*, Local Government Studies 13.3, 85-101.

Lustgarten, L. (1986) *The Governance of the Police*, Sweet and Maxwell.

MacAskill. K. (2012) SIPR International Policing Conference 2012, Edinburgh, 22/11/12.

MacLardie, J. Murray, L and Sewel, K (2007) *Scrutiny and the public: Qualitative study of public perspectives on regulation, audit and inspection and complaints handling of public services in Scotland*, Ipsos Mori.

Maguire, M. Morgan, R. and Reiner, R. (Eds). (2002) *The Oxford Handbook of Criminology*, 3<sup>rd</sup> edition, Oxford University Press.

Mark, M.M. and Shotland, R.L. (1987) 'Alternative models for the use of multiple methods', In Marks and Shotland (Eds), *Multiple methods in programme evaluation; New directions for programme evaluation*, 35, (pp.95-100), San Francisco, Jossey-Bass.

Mark, Sir R. (1978) *In the Office of Constable*, Collins: London.

Marshall, C. (1999) *Designing Qualitative Research*, Sage Publications.

Martin, M. and McIntyre, C. (Eds), (1994) Weber, M. *Objectivity in social Science and Social Policy*, Bradford Books, Ch 34 pp.535-545.

Maxwell, J. A. (1996) *Qualitative research design: an interactive approach*, US: Thousand Oaks, California: Sage Publications.

## Bibliography

McFadden, J. (2008) *Local Government law in Scotland: An Introduction*, 2<sup>nd</sup> Edition, Tottel publishing.

McMaster, I. (2008) 'Conducting Research Interviews', *Research Methodology course notes*, 2/12/2008 University of Strathclyde.

Mingers, J. (2004) 'Real-izing information systems: critical realism as an underpinning philosophy for information systems', *Information and Organisation*, 14, (2004), pp.87-103.

Mingers, J. (2006) 'A critique of statistical modelling in management science from a critical realist perspective: its role within multi-methodology', *Journal of Operational Research Society* (2006) 57, 202-219.

Morris, M. and Venkatesh, V. (2000) *Age differences in technology adoption decisions: implications for a changing workforce*, Maryland, Personnel Psychology Inc.

Myhill, A.(2007) 'Police Authorities' Public Accountability Role; Learning from 3 Community Engagement Demonstration Projects', *Policing*, Volume 1, Number 2, pp.173-183.

Newburn, T. (2008) *Handbook of Policing*, 2<sup>nd</sup> Edition, Willan Publishing.

New Zealand Police. (2008) *briefing to the incoming minister*, NewZealand.govt.nz.

Nicholson, L. (2012) *Keeping Scotland safe and strong - a consultation on reforming police and fire and rescue services in Scotland: analysis of consultation responses*, The Research Shop, The Scottish Government.

Nolan Committee. (1996) *Second report of the committee on standards in public life; Local spending bodies*, Vol. 1, London, HMSO.



## Bibliography

Oliver, I. (1987) *Police, Government and Accountability*, McMillan Press.

Quigley, J. (2008) 'Data Collection, An overview of methods', *Research Methodology course notes*, 1/12/2008 University of Strathclyde.

Rea, D. Donnelly, D. and Fitzsimons. (2009) *International comparison research: models of governance and accountability*, Northern Ireland Policing Board.

Reiner, R. (1993) 'Police accountability; principles, patterns and practices', in Reiner, R. and Spencer, S. (eds), *Accountability and policing; effectiveness, empowerment and equity*, London Institute for Public Policy Research, 1-23.

Reiner, R. (2000) *The Politics of the Police*, 3<sup>rd</sup> Edition, Oxford University Press.

Reiser, R. (2001) 'A history of instructional design and technology; Part 1; A History of Instructional Media', *Educational Technology Research and Development*, Vol 49, No 1, pp.53-64.

Roberts, J. McNulty, T. and Stiles, P. (2005) 'Beyond Agency Conceptions of the Work of the Non-Executive Director: Creating Accountability in the Boardroom', *British Journal of Management*, 16, Special Issue, S5–S26.

Royal Commission on the Police. Report, Cmnd 1728, HMSO, 1962.

Savage, S, P. (1984) 'Political control or community liaison? Two Strategies in the Reform of Police Accountability', *The Political Quarterly*, Volume 55, Issue 1, pp.48–59, January 1984.

Savage, P. Charman, S. and Cope, S. (2000) in Leishman et al. (2000) *Core Issues in Policing*, 2<sup>nd</sup> edition, Pearson Education Ltd.

## Bibliography

Scholarios, D. (2008) 'Survey Research', *Research Methodology course notes*, 3/12/2008, University of Strathclyde.

Scott, K. and Wilkie, R. (2001) 'Chief Constables: a current 'crisis' in Scottish policing?' *Scottish Affairs*, 35: 54-68.

Scott, K. B. (2011) 'Politics and the Police in Scotland: The Impact of Devolution', *Crime, Law and Social Change*. 55, 2-3 (2011) 121-132.

Scott, K. B. (2013(a)), 'A Single Police Force For Scotland; The Legislative Framework (1)', *Policing*, Volume 7, Number 2, pp.135-141.

Scott, K. B. (2013(b)), 'A Single Police Force For Scotland; The Legislative Framework (2)', *Policing*, Volume 7, Number 2, pp.142-147.

Scottish Executive. (2006) *On board: A guide for board members of public bodies in Scotland*, Scottish Executive.

Scottish Government. (2007) *Guidance for members of Police Authorities and Joint Police Boards*, <http://www.highland.gov.uk/NR/rdonlyres/CDE3F717-95BB-4B1A-B04A-0A573DE949D7/0/SEGuidanceforPoliceBoardsVers1Jun2007.pdf>.

Scottish Government, (2009), *Scotland's People, Annual report, results from 2007/2008 Scottish Household Survey*.

Scottish Government. (2011) *Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire and Rescue Services in Scotland*, (September 2011), The Scottish Government, Edinburgh.

Scottish Parliament. (2008) *Report on Inquiry into Community Policing*, (Edinburgh: Scottish Parliament).

## Bibliography

Silverman, D. (2001) *Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction*, Sage Publications.

Smith, D.J. (1987) 'The police and the community', in P. Willmott (ed.), *Policing and the Community*. London: Policy Studies Institute.

Stake, R. E. (1995) *The Art of Case Study Research*, USA: Sage Publications.

Statistics Canada. (2008) *Police Resources in Canada 2008*, Catalogue no. 85-225X.

Stenning, P. (2007) *Ingredients for a good police/executive relationship*, from a paper presented New Delhi, 2007.

The Herald. (9<sup>th</sup> November 2012), *New police force in turf war over backroom staff*.

The Herald. (10<sup>th</sup> November 2012), *'Stooge' fears over single police force*.

Thomas, D. R. (2003) *A general inductive approach for qualitative data analysis*, *School of Population Health*, University of Auckland, August 2003.

Thompson, P. (2008) 'Critical realism: a third way?', *Research Philosophy Lecture*, University of Strathclyde.

Tricker, Bob. (2009) *Corporate Governance, Principles, Policies and practices*, Oxford.

Walker, E. (2000) 'Moving on from Interpretivism: An Argument for Constructionist Evaluation', *Journal of Advanced Nursing*, 2000, 32(3) pp713-720.

Walker, N. (2000) *Policing in a changing constitutional order*, London: Sweet and Maxwell.

## Bibliography

Walliman, N. (2005) *Your research project: a step-by-step guide for the first-time researcher*, Nicholas Walliman, London ; Thousand Oaks, Calif. : Sage Publications.

Westphal, J. D. and Zajac E. J. (1998) 'The Symbolic Management of Stockholders: Corporate Governance Reforms and Shareholder Reactions', *Administrative Science Quarterly*, 43, pp. 127–153.

Williams, M. (2000) 'Interpretivism and Generalisation', *Sociology*, Vol. 34, No. 2, pp 209-224.

Yeung, H. W. (1997) 'Critical realism and realist approach in human geography: a method or a philosophy in search of a method', *Progress in Human Geography*, 21, 1 (1997) pp.51-74.

Yin, Robert, K. (1994) *Case study research; Design and methods*, 2<sup>nd</sup> Edition, London, Sage Publications.

## Websites

The following websites were relevant during the period of this research between September 2008 and April 2012.

### Police Board's in Scotland

**Central Scotland Police Board:**

[http://www.centralscotland.police.uk/about/exec/joint\\_police\\_board.php](http://www.centralscotland.police.uk/about/exec/joint_police_board.php)

**Dumfries and Galloway:** N/A

**Fife:** <http://www.fifedirect.org.uk/orgs>

**Grampian Police Board:**

[http://www.aberdeencity.gov.uk/legaladvice/rm\\_lad/lad\\_secretariat.asp](http://www.aberdeencity.gov.uk/legaladvice/rm_lad/lad_secretariat.asp)

**Lothian and Borders Police Board:** <http://www.edinburgh.gov.uk/lbpb/>

**Northern Police Board:**

<http://www.highland.gov.uk/yourcouncil/committees/jointboards/northernjointpoliceboard/>

**Strathclyde:** <http://www.strathclydepoliceauthority.gov.uk/>

**Tayside:** <http://www.tayside.police.uk/jointboard.php>

**Scottish Police Authority:** <http://www.spa.police.uk/>

## Scottish Police Service Web Sites

**Central Scotland Police:** <http://www.centralscotland.police.uk/home/index.php>

**Dumfries and Galloway Constabulary:**

<http://www.dumfriesandgalloway.police.uk>

**Fife Constabulary:** <http://www.fife.police.uk>

**Grampian Police:** <http://www.grampian.police.uk>

**Lothian and Borders Police:** <http://www.lbp.police.uk/>

**Northern Constabulary:** <http://www.northern.police.uk>

**Police Scotland:** <http://www.scotland.police.uk/>

**Scottish Police Services Agency:** [http://www.spsa.police.uk/foi/about\\_spsa](http://www.spsa.police.uk/foi/about_spsa)

**Strathclyde Police:** <http://www.strathclyde.police.uk/>

**Tayside Police:** <http://www.tayside.police.uk>

## Websites

### Scottish Local Authorities Websites

**Aberdeen:** <http://www.aberdeencity.gov.uk/home/home.asp>

**Aberdeenshire:** <http://www.aberdeenshire.gov.uk/>

**Angus:** <http://www.angus.gov.uk/>

**Argyle and Bute:** <http://www.argyll-bute.gov.uk/>

**Clackmannanshire:** <http://www.clacksweb.org.uk/>

**Dumfries and Galloway:** <http://www.dumgal.gov.uk/index.aspx?articleid=1>.

**Dundee City:** <http://www.dundeecity.gov.uk/>

**East Ayrshire:** <http://www.east-ayrshire.gov.uk/>

**East Dunbartonshire:**

<http://www.eastdunbarton.gov.uk/web%20site/live/edweblive.nsf/InternetHomePage?OpenForm>

**East Lothian:** <http://www.eastlothian.gov.uk/content/>

**East Renfrewshire:** <http://www.eastrenfrewshire.gov.uk/>

**Edinburgh:** <http://www.edinburgh.gov.uk/internet>

**Falkirk:** <http://www.falkirk.gov.uk/home.aspx>

## Websites

**Fife:**

<http://www.fife.gov.uk/orgs/index.cfm?fuseaction=home&orgid=60304273-A856-11D6-BF4D0002A5349AC9>

**Glasgow City:** <http://www.glasgow.gov.uk/>

**Highlands:** <http://www.highland.gov.uk/>

**Inverclyde:** <http://www.inverclyde.gov.uk/>

**Midlothian:** <http://www.midlothian.gov.uk/>

**Moray:** <http://www.moray.gov.uk/>

**North Ayrshire:** <http://www.north-ayrshire.gov.uk/>

**North Lanarkshire:** <http://www.northlan.gov.uk/>

**Orkney Islands:** [http://www.orkney.gov.uk/nqcontent.cfm?a\\_id=2583](http://www.orkney.gov.uk/nqcontent.cfm?a_id=2583)

**Perth and Kinross:** <http://www.pkc.gov.uk/>

**Renfrewshire:**

<http://www.renfrewshire.gov.uk/ilwwcm/publishing.nsf/Content/InternetHomePage>

**Scottish Borders:** <http://www.scotborders.gov.uk/>

**Shetland Islands:** <http://www.shetland.gov.uk/>

**South Ayrshire:** <http://www.south-ayrshire.gov.uk/>

**South Lanarkshire:** <http://www.southlanarkshire.gov.uk/>



## Websites

**Stirling:** <http://www.stirling.gov.uk/> .

**The Western Isles:** <http://www.cne-siar.gov.uk>

**West Dunbartonshire:** <http://www.west-dunbarton.gov.uk/>

**West Lothian:** <http://www.westlothian.gov.uk/>

## Other Websites

**Association of Chief Police Officers:**

[http://www.acpos.police.uk/AboutUs\\_1.html](http://www.acpos.police.uk/AboutUs_1.html)

**Association of Police Authorities:** <http://www.apa.police.uk/>

**Audit Commission:**

<http://www.auditcommission.gov.uk/communitysafety/audit/policeinspection/Pages/policeinspectionframework.aspx>

**Audit Scotland:** <http://www.audit-scotland.gov.uk/>

**BP 2007 annual report:**

<http://www.bp.com/sectiongenericarticle.do?categoryId=3&contentId=2006926>

**British Transport Police Authority:** <http://www.btpa.police.uk/aboutus.php>

**Centre for Public Scrutiny:** <http://www.cfps.org.uk/introduction-to-scrutiny/>

**Civil Nuclear Police Authority:** <http://www.cnpa.police.uk/about>

**HMICS:** <http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/15403>

**Home Office, Police Authorities:** <http://police.homeoffice.gov.uk/police-reform/membership-police-authorities/membership/london/>

**Home Office, Police Reform:** <http://police.homeoffice.gov.uk/police-reform/nat-policing-board/>

**Home Office, Police Authorities:** <http://police.homeoffice.gov.uk/police-reform/membership-police-authorities/functions/>

## Websites

**Marks and Spencer Group PLC**, corporate governance statement p39:

<http://www.marksandspencer.com/annualreport08> Last accessed 15/12/2008

**Ministry of Defence:**

<http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/SecurityandIntelligence/MDPGA/MinistryOfDefencePolice.htm>

**Ministry of Defence:**

<http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/SecurityandIntelligence/MODPoliceCommittee/ModPoliceCommitteeTermsOfReference.htm>

**National Police Improvements Agency:** <http://www.npia.police.uk>

**National Association of Corporate Directors:** <http://www.nacdonline.org>

**Northern Ireland Policing Board:** <http://www.nipolicingboard.org.uk/index>

**Police Complaints Commissioner for Scotland:** <http://www.pcc-scotland.org>

**Public Safety and Emergency Preparedness Canada, *First Nation Policing Policy***, Aboriginal Policing: <http://www.psepc-sppcc.gc.ca>

**Royal Canadian Mounted Police:** [http://www.rcmp-grc.gc.ca/about/organi\\_e.htm](http://www.rcmp-grc.gc.ca/about/organi_e.htm)

**The Scottish Government, Justice:**

<http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/15403/2060>

**The Scottish Parliament, Justice Committee:**

<http://www.scottish.parliament.uk/s3/committees/justice/index.htm>.

**Scottish Police Authority: Member Appointment – Information Pack for Applicants:** <http://www.appointed-for-scotland.org/>

## Websites

### **Sunderland Council:**

<http://www.sunderland.gov.uk/committees/CmisWebPublic/Binary.ashx?>

### **Swedish Police Service:**

<http://www.polisen.se/inter/nodeid=10232&pageversion=1.jsp>