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GRAMPIAN JOINT POLICE BOARD

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26th April 2005

Ms Vicky French
Police Bill Team
Scottish Executive
Justice Department
Area 1W
St Andrew's House
EDINBURGH
EH1 3DG

Dear Ms French

SUPPORTING POLICE, PROTECTING COMMUNITIES: PROPOSALS FOR LEGISLATION

The Board has considered the above paper and would wish to respond in respect of Chapters 2 and 9.

Chapter 2: Supporting the Scottish Police Service – The National Delivery of Services

In general terms, the Board supports the response submitted on behalf of the Scottish Police Authorities Convenors Forum. In particular, it would endorse and reinforce the following points:

- In its functions, powers and relationships to both the services for which it would be responsible and Ministers, the new authority should be similar in all material respects to a police authority;
- No case has been made for the inclusion of a lay chair or lay members within the new authority;
- While there is no case for the inclusion of lay members, there may be arguments for the new authority being empowered to appoint advisory members, without voting powers;
- An active role is required for ACPOS/SCCC in the oversight of the SDEA. In all other respects, although the SDEA is an operational policing organisation, in terms of governance it has no significant characteristics that would justify different treatment or status within the new authority.

CRAWFORD J. LANGLEY · CLERK

Chapter 9: Independent Police Complaints Body

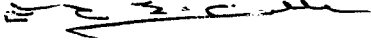
In relation to complaints about officers below the rank of Assistant Chief Constable, the Board believes that its existing scrutiny functions are valuable and should be retained within any new framework. Clearer statutory provision and/or guidance in this area would be welcome, however.

The Board's primary functions in relation to complaints are those deriving from Police (Conduct) (Senior Officers) (Scotland) Regulations 1999. From its perspective as the disciplinary authority under these Regulations, it would offer the following comments:

1. There is scope for the introduction of an "ombudsman" type body to deal with issues that relate more to service delivery than to individual misconduct.
2. There do not appear to be significant defects in the current arrangements for dealing with criminal allegations.
3. In relation to non-criminal matters, the relationship between the functions of the new body and the disciplinary functions of police authorities requires to be clear and unambiguous. That clarity does not appear to be present in the current proposals.
4. A thorough review of the existing disciplinary procedures is required, with particular reference to the ECHR.
5. It is generally inappropriate for the senior officers' conduct framework to be used simply as a means of appealing against decisions made by a deputy chief constable in respect of the conduct of more junior officers. Consideration should be given to identifying an alternative means of addressing complaints of this kind.
6. Consideration should be given to providing authorities with some form of relatively low-key means of dealing with misconduct of a minor or trivial nature. At present, the only option available is to take no action at all, whereas it may be appropriate in certain cases to offer guidance or something similar.
7. While operational dependence will be of fundamental importance to the new body, it should be empowered and willing, in appropriate cases, to provide police authorities with robust support in dealing with vexatious complainers. It needs to be recognised that a relative small number of people of this kind make significant demands on police and authority resources and consideration should also be given clarifying and strengthening the options available to police authorities in such circumstances.

I trust the foregoing is of some assistance to Ministers. Please let me know if any of the foregoing points require any clarification.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. J. ...', written over a horizontal line.

Clerk to the Board