



The Scottish Police Federation

Prospectus for More Powers for Scotland



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INTRODUCTION

The Scottish Police Federation is the staff association that represents every Constable, Sergeant, Inspector, Chief Inspector, cadets and special constables within the Police Service of Scotland. This amounts to over 18,000 members, or just over 99% of police officers in Scotland.

The Police Act 1919 (which also outlawed police membership of trade unions) established the SPF and stated;

'For the purposes of enabling the members of the Police Forces to consider and bring to the notice of the police authorities and the Secretary of State all matters affecting their welfare and efficiency ... there shall be established in accordance with the Schedule to this Act an organisation to be called the Police Federation...'

The Scottish Police Federation is firmly of the view our submission falls fairly and squarely in the description as a matter affecting the welfare and efficiency of our members.

A safe and secure country, where our citizens are able to live free from the fear and effects of crime is essential for the delivery of thriving communities and a healthy, vibrant and prosperous economy.

It is the view of the Scottish Police Federation that the powers currently available to the Scottish Parliament place unnecessary limitations on our elected representatives to deliver the best possible outcomes for the people of Scotland.

1. A BRIEF HISTORY

- 1.1 Scotland has a long established, distinct and highly regarded legal system. Indeed this is one of the specific identities retained following the 1707 Act of Union.¹ Whilst it is true the 1998 Scotland Act returned day to day legal policy making authority to the Scottish Parliament, the distinction between the Scottish legal system and that across the rest of the United Kingdom has always been fiercely guarded. By natural extension this has also been true of policing in Scotland, albeit arguably to a much lesser extent. Different laws and different legal obligations mean that police practice will naturally be different.
- 1.2 Prior to the 1998 Act, Scottish interests were arguably overseen by the Secretary of State for Scotland. It is self-evident to state that the Secretary of State for Scotland was by default a member of the UK Government and whilst titularly responsible for Scotland, inevitably delivered legislation and spending priorities in line with wider government commitments.
- 1.3 It is also arguable that (at least as far as justice, law and order are concerned) the 1998 Act changed this completely with full and absolute authority resting with the Scottish Parliament. In truth, complete devolution of justice and law and order has not occurred as many elements are retained, from road traffic and misuse of drugs legislation through to counter terrorism and the role of the Supreme Court.²

2. POLICING POLICY ACROSS THE UK

- 2.1 Prior to and also largely since 1998, police officer terms and conditions were broadly similar across the UK; the most obvious distinctions existing in the Metropolitan area (to reflect the cost of living) and in Northern Ireland (to reflect the heightened security threat).
- 2.2 There can be no doubt that a marked difference in policing policy emerged in 2002 when Police Community Support Officers were introduced in England & Wales.³ This different policy approach was reinforced in 2008 when the then Home Secretary in England and Wales reneged on a police pay award for the first time since the establishment of the police pay negotiating machinery in 1979⁴. This occurred again in 2011 when police pay, terms and conditions in England & Wales were subject to sustained attack leading to substantial loss of value. Whilst it may be debated by the governments then and since, the Scottish Police Federation is firmly of the view that since 2002, the UK Government has embarked on a course of action to, shrink, weaken, cheapen and de-value the police service in England & Wales.
- 2.3 The Scottish Police Federation is of little doubt that were it not for devolution, the approach followed in England & Wales would have been visited on Scotland also (with a Secretary of State largely powerless against wider governmental policy direction). This is however more than a theory as in 1993 the UK Government embarked on what was then the most pernicious and corrosive attack on police pay and conditions in living memory in the guise of the Sheehy report.⁵ This report (by Sir Patrick Sheehy) created such concern and angst amongst the entire police service that an unprecedented rally took place at the Wembley Arena in July 1993. This rally was attended by nearly 25,000 police officers.⁶ Whilst

¹ <http://www.scotland.gov.uk/resource/doc/925/0000078.pdf>

² <http://www.legislation.gov.uk/ukpga/1998/46/schedule/5>

³ <http://www.legislation.gov.uk/ukpga/2002/30/contents>

⁴ <http://www.parliament.uk/Templates/BriefingPapers/Pages/BPPdfDownload.aspx?bp-id=SN04139>

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/273130/2280_i.pdf

⁶ Policing Scotland - Donnelly, D and Scott, K 2010

ultimately the recommendations from the report were not introduced in full, those that were, were applied across the whole of the UK. It is worth noting that nearly 3/4 of the votes cast (returning 61 out of 72 MPs) in Scotland during the 1992 Scottish election were not cast for the party which formed the next government.⁷

- 2.4 Despite the relative comfort afforded through devolution, it is apparent that all policy matters falling within the responsibility of the Scottish Parliament are vulnerable to the vagaries of funding from HM Treasury.

3. THE SCOTTISH PARLIAMENT

- 3.1 The Scottish Police Federation fully accepts it is for the Scottish Parliament to determine its own priorities (and allocate funding accordingly) but recognises that without the ability to determine the levels of global spending, that these priorities will always be curtailed by the priorities of the wider UK Parliament. In simple terms the Scottish Parliament could not determine that its priorities would cost a pound to deliver if the starting point is that the parliament only has 50 pence available to spend.
- 3.2 This limitation influences the quality and range of services as well as the health, wealth and well-being of those charged with delivering them. By natural extension this limitation ultimately permeates down into and across the communities of Scotland who have little (if any power) to change the starting position in respect of funding.

The Scottish Police Federation believes it is in the interests of the people of Scotland to have a parliament with all necessary powers to ensure it can deliver the best possible life chances for our citizens, regardless of where they happen to live or how rich or poor they happen to be.

- 3.3 The Scottish Police Federation notes the terms of reference of the Commission as follows;

To convene cross-party talks and facilitate an inclusive engagement process across Scotland to produce, by 30 November 2014, Heads of Agreement with recommendations for further devolution of powers to the Scottish Parliament. This process will be informed by a Command Paper, to be published by 31 October and will result in the publication of draft clauses by 25 January. The recommendations will deliver more financial, welfare and taxation powers, strengthening the Scottish Parliament within the United Kingdom.⁸

- 3.4 Whilst recognising that the terms of reference required to be sufficiently loose to ensure cross party engagement, the SPF is of the view that unless the starting point is built on recognising the inequity that exists in the inability of the Scottish people to directly determine the global funding arrangements for the Scottish Parliament, the Commission is likely to be considered hamstrung. At this time voters in the Scottish elections effectively cast their ballot in complete ignorance of the ability of the Scottish Parliament to deliver on party manifesto pledges (as the ultimate and absolute ability to deliver is determined by funding, which is not in its control).

The Scottish Police Federation believes the Commission should endorse a statement that it is iniquitous that the Scottish people cannot directly determine the global funding arrangements for the Scottish Parliament.

⁷ <http://www.parliament.uk/documents/commons-information-office/m13.pdf>

⁸ <https://www.smith-commission.scot/about/>

- 3.5 The Scottish Police Federation is also of the opinion that the timescales within which the Commission is operating are ludicrously short. The re-establishment of the Scottish Parliament in its own right took nearly 300 years and the increase in the responsibilities of the Parliament through the Scotland Act 2012 (but not due to come fully into effect 'till 2016) followed the Calman Commission which in itself took over 14 months to report.
- 3.6 It is understood that the Conservative Party's Strathclyde Commission⁹ (prepared over 15 months), the Liberal Democrat Party's Home Rule Commission¹⁰ (published in 2012 and acknowledging it was built on work undertaken in 2006) and the Labour Party's Devolution Commission¹¹ (which took nearly 2 years to report) have all submitted their long finished reports to the Commission. Given that each of these reports have been composed over a considerable period of time, it does the Scottish public a disservice to expect that they (as individuals) have the resources to be able to respond in the time frame provided. Furthermore the one month period from the 31st October through to St Andrew's Night cannot realistically be considered an adequate timeframe to properly consider any and all submissions received.
- 3.7 That being said the Scottish Police Federation believes there is no widespread appetite for an exceptionally long drawn out process on the question of further powers for the Scottish Parliament. We are however of the view that this need not be a case of one or the other. We believe it should be possible for the Commission to make some recommendations and be permitted to continue beyond the timescale set out. This would enable contributors to give evidence and permit the Commission to draw up further comprehensive proposals in a more practical timeframe.
- 3.8 We are mindful that regardless of timescales, submissions and intentions that ultimately the Commission has the potential to turn out to be little more than a talking shop. This is not in anyway intended to denigrate the efforts of those working on it, rather is a simple fact that none of its recommendations compel the UK Parliament to support or act upon them. We believe this simple matter is not properly understood and needs to be clearly communicated.

The Scottish Police Federation believes the dates within which the Commission is expected to deliver were superficially determined and provide an unrealistic timeframe in which to properly consider and evaluate any submissions that it receives.

The Scottish Police Federation believes the Commission should be able to continue its considerations beyond St Andrew's Night and if required to be able to make recommendations for draft clauses beyond Burns Night.

The Scottish Police Federation believes the Commission should make clear that regardless of its recommendations, there are no guarantees these will be delivered.

4. FURTHER DEVOLUTION

- 4.1 In addition to the much publicised 'vow' the Scottish Police Federation notes;
- 4.2 Speaking on the Andrew Marr show on the 7th September the Chancellor of the Exchequer, the Rt. Hon. George Osborne MP stated;

⁹ <http://icas.org.uk/WorkArea/DownloadAsset.aspx?id=12884904878>

¹⁰ <http://icas.org.uk/WorkArea/DownloadAsset.aspx?id=12884904879>

¹¹ http://s.bsd.net/scotlab/default/page/file/26e0eb4bdf4c775d14_ram6b81bk.pdf

"You will see in the next few days a plan of action to give more powers to Scotland. More tax powers, more spending powers, more plans for powers over the welfare state ... The timetable for delivering that will be put into effect the moment there is a no vote in the referendum."

- 4.3 When delivering his speech and talking about more powers on the 8th September the former Prime Minister, the Rt. Hon. Gordon Brown MP stated;

"This package would be home rule and something near to federalism."

- 4.4 During an interview on Channel 4 News on the 10th September the Prime Minister, the Rt. Hon. David Cameron MP stated;

"If Scotland says it does want to stay inside the United Kingdom then all options of devolution are there and are possible."

- 4.5 Whilst many other comments were made by many politicians at various junctures, the Scottish Police Federation considers the three cited above to be amongst the most significant. As the debate in the House of Commons on the 14th October demonstrated, the 'vow' compels no action from the UK Parliament.¹² The argument of a moral need to deliver more powers to the Scottish people through its parliament should not need to be made as clearly both the 'vow' and the comments of Rt. Hon. Member's Osborne, Brown and Cameron demonstrate this is clearly understood.

- 4.6 The Scottish Police Federation notes that many commentators have labelled more powers for the Scottish Parliament as 'Devo Max'. Indeed in response to this label being applied by Jackie Bird during a BBC Scotland news interview on the 9th September, the former Chancellor of the Exchequer, the Rt. Hon. Alistair Darling MP did not refute the proposition.

- 4.7 The Scottish Police Federation understands the widely accepted definition of 'Devo Max' to mean all powers short of defence and foreign affairs. It would be fair to observe that the comments made by many on the run up to the 18th of September, most notably by the Prime Minister himself indicate this understanding to be reasonably held.

The Scottish Police Federation supports the view expressed by the Prime Minister that all options for devolution are possible and believes this statement should be the basis upon which this, and any future discussions on Scottish devolution is based.

- 4.8 The position of the Scottish National Party and Green Party in Scotland are entirely unambiguous in that they advocate for a fully independent Scotland. This proposal was ultimately rejected in the referendum. Of the three main unionist parties, the constitutional position of the Liberal Democrats is arguably the most consistent as they have long advocated for a federal United Kingdom. The constitutional position of the Labour and Conservative parties is considerably more fluid. The proposals published in the Strathclyde Commission, Home Rule Commission and Devolution Commission each fall short of the language used in the latter days of the referendum campaign. It is undoubtedly a matter of interpretation whether one could conclude that either full federalism, home rule or all options for devolution are contained within their pages.

The Scottish Police Federation believes that it is incumbent on all parties to set aside their pre referendum positions and work towards delivering proposals that will best deliver for the citizens of Scotland.

¹² <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm141014/debtext/141014-0001.htm>

5. SCOTLAND'S FUNDING

- 5.1 The funding/spending in (or on behalf of) Scotland can be split between Departmental Expenditure Limits (DEL) and Annually Managed Expenditure (AME). It is perhaps overly simplistic to describe DEL as the money made available to the Scottish Government to spend (otherwise referred to as the Block Grant) and AME as the money spent by the UK Government taking cognisance of Scotland's contribution, for example on defence or welfare payments.¹³ Regardless, this simplistic approach is one which is commonly understood and is the basis upon which the content of what follows is based.
- 5.2 With the exception of the years between 1998 and 2001, the UK has been running a deficit every year since 1974.¹⁴ Logically this can only mean that the UK is not meeting all of its spending commitments from tax receipts and must borrow on an annual basis to meet the shortfall.
- 5.3 The Scottish Police Federation is of the opinion that it is overly simplistic to simply seek to categorise tax receipts as 'income tax' and 'other' for this fundamentally ignores a number of key considerations.
- 5.4 At this time the UK government does not identify within each of its spending allocations, how the specific budget has been funded. It would be unfair in the extreme if an expectation was to be created that by having 'complete control' over income tax, and in absence of a detailed synopsis of how spending was composed in other UK budget areas, this should preclude Scottish MPs from voting on any matter that may have a budgetary consideration for Scotland.
- 5.5 We believe that in order to demonstrate equity, any spending by the UK Government needs to detail how the funding for the spend is composed.

The Scottish Police Federation believes that ALL UK spending decisions should clearly identify by each budget line, the proportions of spending drawn from borrowing, income tax, national insurance, corporation tax, excise duties and any other clearly identifiable income stream.

- 5.6 We are further of the opinion that any determination that powers over income tax should automatically debar Scottish MPs of the ability to inform and vote on the wider UK budget to be manifestly unfair.

The Scottish Police Federation believes that Scottish MPs should retain the ability to vote on any matter which may have a budgetary consideration or consequence for Scotland.

The Scottish Police Federation believes that any budget in England & Wales which is made up in any part from funding sources which are in themselves contributed to by the citizens in the devolved nations should continue to attract full Barnett consequentials.

- 5.7 At the time of preparing our submission, much of the commentary relative to the proposals being considered by the Commission centred on the question of income tax. The Scottish Police Federation notes that income tax receipts currently account for approximately 20% of Scotland's current spending.¹⁵ The Scottish Police Federation considers that if the Commission's attention is concentrated on this 20%, it is highly likely the question of more

¹³ <https://www.gov.uk/government/publications/how-to-understand-public-sector-spending/how-to-understand-public-sector-spending>

¹⁴ <http://www.bbc.co.uk/news/business-25944653>

¹⁵ <http://www.parliament.uk/Templates/BriefingPapers/Pages/BPPdfDownload.aspx?bp-id=sn06625>

powers will continue to be asked almost immediately upon conclusion of its work. We note that with some of the Calman proposals still to be implemented this Commission has been considered necessary.

- 5.8 The Scottish Police Federation notes that this percentage of overall Scottish spend from income tax receipts does not translate into being within the power of the Scottish Parliament to spend. This is due to the fact that income tax contributes to both DEL and AME, yet the Scottish Parliament only has control over the former.

The Scottish Police Federation believes that unless the relationship between the Scottish Parliament and Annually Managed Expenditure is addressed, that 'control' over income tax will prove to give the appearance of more powers without actually delivering so.

- 5.9 Tax receipts from citizens in the devolved nations contribute to numerous capital projects considered to be of benefit for the wider UK. The recent Olympic Games and associated infrastructure are a prime example of this. Due to the classification of this infrastructure investment as being of UK wide benefit, this resulted in 'Barnett bypass' and deprived the devolved administrations of considerable consequentials.¹⁶ By contrast the Commonwealth Games were not similarly classified resulting in their being funded through Scotland's DEL.
- 5.10 We also note that in addition to being deprived of the consequentials, taxpayers in the devolved nations effectively get hit with a "double whammy". As has been evidenced the UK has been running a near constant deficit for the last 40 years. Infrastructure falling under the UK wide classification can only add to that deficit meaning that taxes from the devolved nations end up contributing to the debt payments for a spend from which they receive no material gain. Whilst the Scottish Police Federation has not been able to calculate the levels of debt these taxes ultimately end up funding, we consider it logical to assume the ultimate cost to be several times greater than the deprived consequentials. This is simply grossly unfair.
- 5.11 Due to the spectacular failures in delivery of private security, the then Strathclyde Police had no alternative but to take over the security (as well as policing) requirements associated with the Olympic football matches in Glasgow.¹⁷ Whilst the Scottish Police Federation understands the issue has now been resolved after many years seeking restitution, the then Strathclyde Police incurred an additional financial liability of approximately £1 Million which they were advised would not be reimbursed by the UK Government.
- 5.12 Whilst it is arguable the economic benefits, construction and supply opportunities from the Olympics did indeed benefit the whole of the UK, it is an irrefutable truth that the long term benefits of improved housing, transport and general infrastructure will be felt in and on the curtilage of what was the Olympic site. Indeed it is difficult to argue that the self same early economic benefits for the Olympics did not apply for the Commonwealth Games, yet the funding decisions effectively saw Scottish taxes funding infrastructure improvements essentially in London whilst receiving no retrospective financial transfer to fund infrastructure improvements in Glasgow.
- 5.13 There can be little doubt that the improvements to infrastructure, facilities and housing ultimately prove to be of considerable benefits to communities and helps them thrive. Thriving communities have fewer social problems, rely less on the state and tend to seek police more for prevention and reassurance than detection and enforcement.

¹⁶ <http://www.publications.parliament.uk/pa/ld200809/ldselect/ldbarnett/139/13908.htm>

¹⁷ <http://www.bbc.co.uk/news/uk-scotland-glasgow-west-18929058>

- 5.14 For all of these reasons it is our view that the almost unquestionable and unilateral powers of the Treasury to determine which spending should receive Barnett consequentials and which should not to be wholly unsatisfactory.

The Scottish Police Federation believes that Barnett bypass is manifestly unfair, deprives devolved administrations of funding that could be utilised to tackle social injustice and that in future only spending on defence, foreign affairs and the administration of the state should be capable of being categorised as being of UK wide significance.

6. PUBLIC SERVICES IN SCOTLAND

- 6.1 The Scottish Police Federation believes that thriving communities and a vibrant economy are essential for delivering the wellbeing of our citizens. We believe that providing the environment for a well-educated and healthy population developing and enhancing life chances for future generations is inextricably linked to properly resourced and funded public services employing well motivated and rewarded public servants.
- 6.2 We are proud to support the invaluable role performed by all of Scotland's public service workers. We believe their contribution to Scottish life is something we should cherish and be proud of. We further believe that any reform of our public services should be built upon need and not driven by money. We believe that at this time public services and public sector workers are suffering through a lack of finance.
- 6.3 Day and daily the members of the Scottish Police Federation witness first-hand the corrosive effects of poverty and hopelessness that impact on our communities across the length and breadth of our country. Our members see children that although loved, are not properly cared for and who live in squalor. Our members see parents that despair at their own inability to find work and to feed and clothe their children. Our members see children whose parents lack the basic literacy skills to assist them with their homework or read them a bedtime story and our members see the life chances of too many of the next generation being destroyed by alcohol and drugs.

The Scottish Police Federation asks the Commission to ask itself that if the further powers under consideration for transfer to the Scottish Parliament will not help address poverty and its associated devastating consequences, whether these powers go far enough?

- 6.4 The Police Service of Scotland is the public service of both first and last resort. Our members are called to deal with abandoned children and those needing medical help. They are called to deal with the confused, the elderly and almost any other incident for which no other help is available. Increasingly our members find themselves performing the roles of pseudo parent or guardian, care givers, psychiatrists and counsellors and often simply because other services lack the capacity to do so themselves.
- 6.5 The women and men in the Police Service of Scotland perform an exceptional role. Too often their presence ensures those who despair and are helpless receive help. Ultimately however it is not the role of the police service to act as a crude safety net in the manner that it is increasingly called upon to do. Our members should not be first port of call when other interventions would be more appropriate. We are aware that no matter how empathetic or supportive our members are, interaction with the police for many of our most vulnerable can be a frightening experience.
- 6.6 Policy makers and politicians appear to find it all too easy to talk about the problems of poverty and inequality yet turn convenient blind eyes or point fingers of blame when all too often problems could be addressed through increased finance. The Scottish Police Federation recognises there cannot be limitless money allocated to dealing with poverty

and inequality yet believes that at this time much more could be done were it not for the policy decision to reduce investment in the public sector.

- 6.7 The Scottish Police Federation believes the public sector and public sector employees are unfair targets of the austerity agenda. Not one public sector worker was involved in the mis-selling of financial products. Not one public sector employee was involved in financial dishonesty surrounding LIBOR. Not one public sector employee crashed the stock market and not one public sector employee received millions in bonuses whilst aggressively avoiding tax.
- 6.8 Every public sector worker should earn enough for the service they provide to our citizens to not find themselves having to rely on benefits to deliver a reasonable standard of living. The Scottish Police Federation finds it bizarre that any government could promote a low wage approach in general but specifically in the public sector, yet finds it acceptable for the state to act as a pseudo subsidiser to its own low wage policy.

The Scottish Police Federation believes that the greatest opportunity for public sector workers to be fairly rewarded and remunerated for the priceless role they perform in our society rests with increased powers for the Scottish Parliament.

- 6.9 The Scottish Police Federation believes the poor and most vulnerable in our society are paying a disproportionate price for the failures in the financial system that ultimately led to the global financial crisis.
- 6.10 The Scottish Police Federation believes that whilst cutting the investment in the public sector may well lead to the illusion this will save money, this is coming at the cost of the morale and income of those who work in the public sector as well as having a detrimental impact on the quality of the service able to be delivered to our communities.

The Scottish Police Federation believes that cutting investment in the public sector actively undermines communities and stymies opportunities for growth and prosperity.

7. THE DENIGRATION OF PUBLIC SECTOR WORKERS PENSIONS

- 7.1 The Scottish Police Federation fully recognises that the Government must deal with the deficit before being able to turn its attention to the eye watering levels of debt. We recognise that our country needs a diverse economy and thriving private sector to provide the tax base upon which to deliver public services.
- 7.2 It is the strong view of the Scottish Police Federation that the role the public sector plays in delivering the foundations for a diverse and successful economy have either not been recognised or deliberately underplayed. We believe the rhetoric deployed by government when referring to the public sector or public sector workers has been deliberately negative to garner support for a cuts agenda.
- 7.3 This has been particularly true in language surrounding public sector pensions and in the fostering of resentment for public sector pension scheme members and conditions. The Scottish Police Federation recognises that many private sector employees face enormous uncertainty as to what their pensions will be worth. We are however of the view that the policies of consecutive governments, particularly the contribution holidays in the 1980s and the removal of tax relief on pension firm's dividends from 1997 have played an enormous role in contributing toward this uncertainty.
- 7.4 The Scottish Police Federation is of the opinion that even prior to the introduction of the Public Service Pensions Act 2014 that public sector pensions were affordable and a fair

reward for the hundreds of thousands of workers who dedicated their working lives to public service.

- 7.5 We are further of the opinion that the wholesale closure of existing public sector pension schemes is an act of considerable bad faith and has been the single most unfair reform imposed on public sector workers.
- 7.6 The disparate legislative arrangements and responsibilities between the UK Government and the governments in the devolved nations has led to confusion and makes it difficult for public sector workers to get answers to their legitimate concerns. This happens as one government plays itself off against another.
- 7.7 The Northern Ireland Assembly and the UK Government have full policy and legislative responsibility for public sector pensions in Northern Ireland and England & Wales respectively. In contrast the Scottish Government has legislative responsibility but not policy responsibility for public sector pensions in Scotland; policy is reserved to Westminster.
- 7.8 This position is wholly unsatisfactory in many ways but principal amongst them is the fact that key elements of what should be fully negotiable employment matters are predetermined in a manner that does not apply for public sector workers in the other areas of the UK.
- 7.9 Police pensions in Scotland are fully paid for through DEL. The Scottish Police Federation strongly believes it makes no sense that legislation which delivers a financial liability on the Scottish Government is not in the full control of the Scottish Government to determine.
- 7.10 The Scottish Government is currently exposed to financial liabilities arising out of decisions and actions by the UK Government in respect of public sector pensions. For example, the Government Actuaries Department (GAD) revised the commutation tables upon which police (and fire) pension lump sum payments are calculated in 2008. This revision resulted in an increase in the lump sum payments to be made to retiring police officers. Following receipt of additional information, the Police Federation of England & Wales launched a Judicial Review of this decision and won.
- 7.11 The victory showed the Home Office had deliberately withheld information on the application date of the new factors, effectively depriving many retired officers of thousands of pounds. The Judicial Review required this injustice be rectified.¹⁸
- 7.12 Quite clearly no police pension scheme administrator could have been aware such a revision was taking place and by extension could not have planned for the increased costs created by the Government duplicity. This created an enormous financial black hole for administrators and pensioners alike. The scheme administrators across England & Wales had all of these costs (including associated interest) met by an additional top up grant from the Home Office.
- 7.13 Despite the fact that the Scottish Government was also unsighted on the actions of the UK Government (in respect of the date of application and rationale) and could have received no Barnett consequentials (due to none existing prior to the judgement) no additional funding was provided to the Scottish Government to assist in making good the underpayment. The Scottish Police Federation considers this is manifestly unfair.

¹⁸ <http://webarchive.nationalarchives.gov.uk/20091207140424/http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2009/006-2009/>

The Scottish Police Federation believes the Scottish Parliament should have full policy as well as legislative responsibility for public sector pensions in Scotland.

8. CRIME

- 8.1 Record police numbers and record lows in crime mean that our communities have a greater confidence in the police than ever before. Scotland is a safe country in which to live and work. Despite this too many of our citizens live in fear of crime or are victims of crime and levels of violent crime remain unacceptably high.
- 8.2 Crime, violent crime and many offences (like drink driving or speeding) can have devastating impacts on individuals and communities alike. Individuals can lose confidence, suffer illness or injury and in extreme cases sustain life altering, threatening or ending injuries. Communities can quickly become synonymous with crime and criminal activity, which in turn impacts on the local economy and wider environment leading to increased fear of crime and a lack of confidence.
- 8.3 Our communities pay a high price for crime and our victims of crime often feel that they are the last consideration in the criminal justice system. Even where justice is delivered in the form of a conviction, the Scottish Police Federation believes the effects of justice should not end in the courtroom. Where criminals accumulate vast wealth through their illegal activities, this is subject to seizure through Proceeds of Crime legislation. However we believe these powers do not go far enough.

The Scottish Police Federation believes ALL revenues raised through the imposition of fines or proceeds of crime seizures (without limitation) should be retained in Scotland to provide the Scottish Government with additional resources to help those who need them most.

9. POLICING IN SCOTLAND

- 9.1 Policing policy and approaches in Scotland have increasingly been diverging from those across the rest of the United Kingdom. Some of these differences have been alluded to in earlier parts of this submission.
- 9.2 Despite the sharing of our borders and the importance of preserving the security of our ports, recent actions by the UK Government, particularly in respect of the removal of funding for UKBA staff at Cairnryan¹⁹ demonstrates a wholly inconsistent approach to this shared responsibility.
- 9.3 In addition the recent Appointment of Chief Officers of Police (Overseas Police Forces) Regulations 2014²⁰ has created the potential for a Chief Police Officer from out with the UK to be appointed as Commissioner of the Metropolis. The Scottish Police Federation believes that headlines attracted by inference of inferior domestic candidates whilst courting "celebrity" American Police Chiefs (allied to the wider approach of denigrating policing in England & Wales) have resulted in the considerable unintended consequences of this policy to go unnoticed.
- 9.4 The Scottish Police Federation is not casting any question over the ability of entitled candidates in their own policing jurisdictions. However the Commissioner of the Metropolis

¹⁹ <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111122/debtext/111122-0004.htm>

²⁰ http://www.legislation.gov.uk/uksi/2014/2376/pdfs/uksi_20142376_en.pdf

has responsibility for the counter terrorism policing for the whole of the United Kingdom. This responsibility demands the Commissioner to be vetted and cleared to the highest possible security levels with his or her first priority always being the safety and Security of the United Kingdom. With the greatest possible respect, the Scottish Police Federation considers it unlikely potential applicants from the vast majority of the eligible police departments could reach this bar. We consider the security considerations of such a proposal have not been properly understood.

The Scottish Police Federation believes absolute authority and responsibility for counter terrorism policing in Scotland should rest with the Chief Constable of the Police Service of Scotland.

- 9.5 The different legal responsibilities and processes followed by police officers in the Police Service of Scotland even where legislation has pan UK application are quirks created by the distinct and fiercely guarded Scottish Legal System.
- 9.6 These differences provide that adherence to rules and procedures of law are as important as the law itself. Significantly these differences do not prevent cross border cooperation but do provide protections for all involved in the legal process. Recent devolution over the powers to determine drink drive limits (but not sentences) and air weapons may be tokenistic but do demonstrate an appreciation that different approaches to certain historic universal legislation may be appropriate.
- 9.7 There is no reason to envisage that future Scottish Governments would not wish to develop different legislation in these areas of traditional universality in the future. Hypothetically this could include greater legislative protection for cyclists or restrictions on proliferations of betting establishments, yet at this time must wait until the wider UK Government wishes to pursue identical priorities.

The Scottish Police Federation believes the Scottish Parliament should have full policy and legislative responsibility on all matters that are ultimately enforceable through the courts in Scotland.

SUMMARY OF KEY POINTS

The Scottish Police Federation believes it is in the interests of the people of Scotland to have a parliament with all necessary powers to ensure it can deliver the best possible life chances for our citizens, regardless of where they happen to live or how rich or poor they happen to be.

The Scottish Police Federation believes the Commission should endorse a statement that it is iniquitous that the Scottish people cannot directly determine the global funding arrangements for the Scottish Parliament.

The Scottish Police Federation believes the dates within which the Commission is expected to deliver were superficially determined and provide an unrealistic timeframe in which to properly consider and evaluate any submissions that it receives.

The Scottish Police Federation believes the Commission should be able to continue its considerations beyond St Andrew's Night and if required to be able to make recommendations for draft clauses beyond Burns Night.

The Scottish Police Federation believes the Commission should make clear that regardless of its recommendations, there are no guarantees these will be delivered.

The Scottish Police Federation supports the view expressed by the Prime Minister that all options for devolution are possible and believes this statement should be the basis upon which this, and any future discussions on Scottish devolution is based.

The Scottish Police Federation believes that it is incumbent on all parties to set aside their pre referendum positions and work towards delivering proposals that will best deliver for the citizens of Scotland.

The Scottish Police Federation believes that ALL UK spending decisions should clearly identify by each budget line, the proportions of spending drawn from borrowings, income tax, national insurance, corporation tax, excise duties and any other clearly identifiable income stream.

The Scottish Police Federation believes that Scottish MPs should retain the ability to vote on any matter which may have a budgetary consideration or consequence for Scotland.

The Scottish Police Federation believes that any budget in England & Wales which is made up in any part from funding sources which are in themselves contributed to by the citizens in the devolved nations should continue to attract full Barnett consequentials.

The Scottish Police Federation believes that unless the relationship between the Scottish Parliament and Annually Managed Expenditure is addressed, that 'control' over income tax will prove to give the appearance of more powers without actually delivering so.

The Scottish Police Federation believes that Barnett bypass is manifestly unfair, deprives devolved administrations of funding that could be utilised to tackle social injustice and that in future only spending on defence, foreign affairs and the administration of the state should be capable of being categorised as being of UK wide significance.

The Scottish Police Federation asks the Commission to ask itself that if the further powers under consideration for transfer to the Scottish Parliament will not help address poverty and its associated devastating consequences, whether these powers go far enough?

The Scottish Police Federation believes that the greatest opportunity for public sector workers to be fairly rewarded and remunerated for the priceless role they perform in our society rests with increased powers for the Scottish Parliament.

The Scottish Police Federation believes that cutting investment in the public sector actively undermines communities and stymies opportunities for growth and prosperity.

The Scottish Police Federation believes the Scottish Parliament should have full policy as well as legislative responsibility for public sector pensions in Scotland.

The Scottish Police Federation believes ALL revenues raised through the imposition of fines or proceeds of crime seizures (without limitation) should be retained in Scotland to provide the Scottish Government with additional resources to help those who need them most.

The Scottish Police Federation believes absolute authority and responsibility for counter terrorism policing in Scotland should rest with the Chief Constable of the Police Service of Scotland.

The Scottish Police Federation believes the Scottish Parliament should have full policy and legislative responsibility on all matters that are ultimately enforceable through the courts in Scotland.

