

REPORT TO: BTPA Professional Standards Committee

DATE: 26 October 2011

SUBJECT: Police Complaints Commissioner Scotland

AUTHOR: T/Detective Superintendent Bunyard

1. PURPOSE OF PAPER

1.1 The purpose of this paper is to update the BTPA Professional Standards Committee in relation to the proposal to transfer the powers and duties of the Police Complaints Commissioner Scotland (PCCS) to the Scottish Public Services Ombudsman (SPSO).

2. BACKGROUND

2.1 In December 2010 the Scottish Justice Secretary announced proposals to transfer the functions of the PCCS to the SPSO.

2.2 This proposal was made against a background of the potential reconfiguration of police service delivery in Scotland, with recent announcements in Scottish Parliament of a desire to centralise the existing eight police forces in Scotland to one.

3. CURRENT POSITION

3.1 Representatives from PSD attended the annual PCCS seminar on 4 October 2011. At this event Professor John McNeill, the PCCS, reflected on the Scottish Government's proposals for a centralised police service for Scotland and the associated governance protocols. The PCCS stated he believed that the Ombudsman proposal was unlikely to progress. He gave an opinion that if there was to be a move away from the current structure it was likely that the PCCS would be incorporated into a single oversight body, which incorporates a number of roles and responsibilities.

3.2 There are currently four options being considered by the Scottish Government. These are:

3.2.1 Option 1

The creation of a new independent body whose functions would include the existing responsibilities of the PCCS, and, in addition, powers to investigate complaints and allegations of misconduct by Chief Officers and review serious incidents and investigations (where it is in the public interest to have an independent review). The new body may also be used to investigate serious criminal allegations against police officers and staff where the Lord Advocate agrees this is appropriate, with such investigations being conducted under the direction and control of the Lord Advocate.



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3.2.2 Option 2

As Option 1 but the current PCCS functions would be transferred to the SPSO.

3.2.3 Option 3

The creation of a new independent body to undertake the functions set out in Option 1 and incorporating the existing inspection and advisory functions of Her Majesty's Inspectorate of Constabulary Scotland (HMICS).

3.2.4 Option 4

As Option 3 but the current PCCS functions would be transferred to the SPSO.

3.3 The consultation phase concludes on 2 November 2011.

3.4 ACC McCall is leading for the Force.

4. RECOMMENDATIONS

4.1 That Members note the update provided regarding the proposed change by Scottish Government to the PCCS.