

Reforming Police and Fire and Rescue Services in Scotland

November 2011

Introduction

The FSB is Scotland's largest direct-member business organisation, representing over 20,000 members. The FSB campaigns for an economic and social environment which allows small businesses to grow and prosper.

We welcome the opportunity to submit our response on the above consultation. We have limited our response to questions with direct relevance to small businesses.

Questions

Police

Question 3: What are your views on our proposals for integrating existing bodies into a single service or on how and when partnership arrangements should adapt to align with this new structure?

The FSB has not taken a view about a single police service, however, it is important to recognise concerns raised by some of our members. Members based in areas outwith the central belt e.g. Highlands and Islands, highlighted concerns about remoteness from decision-making processes. This might result in policing decisions (on strategic or operational matters) that fail to consider the particular needs of rural and remote communities. There was also concern about the potential lack of accountability of a central force.

Question 6: What are your views on the roles and responsibilities for governance and accountability?

As outlined above, there are some concerns about the accountability of a single force to local communities, particularly in relation to the level of seniority and decision making power of the proposed Local Commanders.

The reorganisation of governance structures at local level does, however, present opportunities. We are keen to stress the important role of communities of interest, for example, the local business community, and feel that this could be used to better effect. At the moment participation in relevant sub-committees of Community Planning Partnerships across Scotland is patchy. As key players in their local community, with a strong interest in policing, local businesses could contribute more to the development and monitoring of policing plans. We agree that nationally-imposed engagement structures are unlikely to be successful in this respect but clear guidance for councils on their responsibility for engagement – over and above Community Planning – would be very helpful.

Fire and Rescue

Question 19: What are your views on the proposed new funding and financial accountability arrangements set out above?

The consultation paper outlines a proposed funding model but there is no discussion about income generation activities. We suspect that, under existing legislation, different fire services have a different approach to income generation and chargeable services. If this legislation is not to be revisited, it will be important for a new single service to review charging policy and achieve consistency across Scotland – this should be done in full consultation with service users and in line with the principles of better regulation.

Question 21: What are your views on our proposals for handling complaints?

Based on our engagement with Scotland's fire services in recent years we feel this is an area that requires considerable focus if a new single service is to be created. Having worked closely with the Scottish Government, CFOA and SFRAU over the implementation of the 2005 Act and subsequent difficulties, there is considerable scope for a modern, professional fire service in Scotland to implement more robust complaint procedures. Perhaps even more important is the need to foster a culture whereby, if service users feel they have been treated unfairly, they feel able to complain and challenge decisions of fire and rescue officers. In our view this does not exist at present.

Question 22: What are your views on the workforce proposals for staff transferring to the Scottish Fire and Rescue Service? Are there any other workforce issues we should be considering?

As part of our discussions about implementation difficulties of the 2005 Act (as outlined above) we highlighted our concerns about the potential lack of suitable training for fire and rescue staff engaged in inspection and enforcement activity with non-domestic properties. It is our view that officers could, and should, have a better understanding of the roles and responsibilities of inspection and enforcement staff in relation to supporting businesses and better regulation.

Other regulatory bodies e.g. SEPA, have developed successful change programmes. We understand that the Regulatory Review Group (RRG) had some discussions with CFOA about the potential for fire services to learn from best practice elsewhere but

we believe that the creation of a single fire service offers the opportunity to ensure a more co-ordinated, consistent and professional approach.

We recognise the focus in the consultation paper on different workforce issues but it is important to ensure we seize the opportunity to tackle existing difficulties and deliver efficient and effective services.

Question 24: What are your views on the benefits and/or disadvantages regarding the obligations to promote fire safety at local, regional and national levels?

The obligations may (and should) allow for an agreed, consistent approach for promoting fire safety (and what this entails). We look forward to working with the SFRS to discuss how any change would impact on businesses and/or whether existing provision could be improved.

Question 25: What are your views on proposals to allow duty holders and the enforcing authority to independently refer a disputed matter to the Chief Inspector of Fire and Rescue Authorities under sections 67 (1) of the Fire Act.

In our view this aspect of the 2005 Act could work better. Internal survey evidence suggests that, for example, an exceptionally high percentage of businesses are unaware of the existence of an arbitration mechanism (in relation to a risk assessment determination). We would welcome the removal of the need for a joint referral.

Nonetheless, the arbitration process will only work effectively if it is used appropriately and alongside a complaints procedure. Most importantly, it will only work if a culture shift in the relationship between duty holder and enforcing authority is developed, as outlined in our response to question 22. We would be happy to discuss this aspect of proposed legislation further with the Scottish Government.

For further information on any of the points raised in this submission, please contact Susan Love, Policy Manager e: susan.love@fsb.org.uk t: 0141 221 0775.