

HSC CONSULTATION - SUMMARY OF RESPONDENTS' VIEWS

Police service 'sector'	Summary of views
ACPO (England & Wales) and ACPO (Scotland)	<p>ACPO (E & W) consider section 95 not the solution to the problem of Chief Constable liability; a complication which could lead to lower safety standards.</p> <p>ACPO (Scotland) content with proposal provided police Boards do not need to intervene in operational matters – code would need to clarify respective responsibilities and lines of accountability.</p> <p>Six individual forces responded saying they were content with section 95, including the Metropolitan Police Service who were strongly supportive.</p>
HM Inspectorates of Constabulary	<p>HMIC (E & W) argues strongly against section 95: jeopardises Chief Constable operational independence and direction and control, and risks changing balance and nature of policing; police authority operational involvement would be inevitable; prefers alternative approach.</p> <p>HMIC (Scotland) – qualified support for transfer of responsibility - provided the legal and practical complexities can be addressed; believes a workable code can be produced.</p>
Police authorities (England and Wales) and Boards (Scotland)	<p>Association of Police Authorities said it was too early to judge the outcome of discussions about a code, and in particular too early to conclude that cannot reach an appropriate resolution of respective police authority and chief constable roles and responsibilities. If in extremis police authority took direct control of health and safety matters, this must not prevent chief constable from departing from police authority strategic framework in particular operations. Police authorities would bring to bear the highest quality of guidance and an extra level of accountability which is likely to have a beneficial effect on standards.</p>

	<p>Six responses from individual authorities, three expressing concern about section 95, three in favour (Metropolitan Police Authority strongly so, but calling for code to strengthen authority capacity to carry out functions, including representing community viewpoint in operational risk management decisions). Scottish Boards: three responses, all firmly against: concern at lack of consultation before section 95 enacted; serious concern section 95 would undermine proper relationship between Board and Chief Constable; cannot see how responsibility could be discharged; urge reconsideration. (One Board refers to their Chief Constable's concern about potential impact on control of police operations.)</p>
Police Staff Associations	<p>The Police Federation (England and Wales) expresses opposition to proposals: new police authority role risks impacting on Chief Constable independence; ambiguities in draft code reflect inherent problems in proposed transfer; calls for what it sees as assumptions built into draft code to be subjected to analysis by stakeholders; either Chief Constable operational independence is reduced, or police authority a step further away from key operational level at which key health and safety issues arise; police authority responsibility with day to day delegation to chief constables seems to do no more than add an extra management layer; police authority considered likely to have defence of not reasonably practicable; detrimental to police officer and staff health, safety and welfare. The Federation points to a recently published HMIC concerns about how police authorities and forces have handled responsibilities on diversity as being directly relevant to the proposal for change in health and safety responsibilities.</p> <p>The Police Superintendents Association is content; regrets change, but sees it as in line with normal rules of accountability for employers.</p> <p>No responses from Scottish police staff associations.</p>
Trades unions	<p>UNISON - no comments on merits of section 95 because will not change the position of police staff.</p>
Association of Police Health and Safety Advisers	<p>APSA appears content with section 95, subject to development of satisfactory code; sees no change in Chief Constable/'employee' responsibilities day to day; merely introduces a level of formal accountability to police authorities on health and safety matters.</p>