Justice Committee

Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

Supplementary written submission from the Chair of the Scottish Police Authority

This submission provides an overview of some of the key actions taken since my appointment as Chair of the Scottish Police Authority in December 2017 in order to establish the SPA as an effective and trusted public body and to improve the leadership and governance of policing in Scotland. The submission also identifies some of the priorities for the next phase of SPA development.

SPA Leadership and Governance

SPA Board

One of my immediate priorities was to strengthen and develop the SPA Board so that it operates in the way that should be expected of a major national public body. This has involved a range of work across many aspects of systems, practice and behaviour including:

- **Guiding principles**

  From my first day in office I established some key guiding principles for the operation of the Board which I have continued to apply and embed in Board culture and practices:

  - Simplification and transparency
  - Collaborative approach
  - Public service ethos
  - Sound decision making
  - Trust and relationships
  - Strategic and non-executive

- **Strengthened and Refreshed SPA Board**

  The composition, skills mix, culture and practice of the SPA Board has moved on significantly during the course of this year:

  - seven new members were appointed (in April 2018) following an open and rigorous public appointments process – these new members have joined at various points during the course of the year, the last of whom joined this month
  - five members have stood down from the Board – three of whom had completed their second term of office
  - an active programme of Board training, induction and development has been put in place and will continue – this has included inputs from Audit Scotland, HMICS and Scottish Government
  - a new Vice Chair and several new Committee Chairs have been appointed
• preparation for a further round of Board appointments is now underway and will commence in early 2019.

• **SPA Governance and Decision making**

A range of measures have been put in place to improve SPA Governance and decision making and to achieve greater transparency, including:

• the practice of closed Board meetings, and other poorly constituted meetings and discussions, was immediately ceased and replaced by a single public Board meeting coupled with enhanced reporting and transparency of other SPA decision making

• informal members’ meetings were replaced by a programme of Board Development Workshops and other working groups which lacked visibility have either been wound up or their work taken into other more visible and structured decision making processes

• the SPA Committee structure has been, and is continuing to be, revised and developed in stages – including the (re) establishment of a Complaints and Conduct Committee; the creation of a new Succession Planning and Appointments Committee (to oversee key recruitment processes and succession planning for both SPA and Police Scotland leadership appointments); and a new Resources Committee; a Strategy, Policy and Performance Committee, and a Transformation Working Group have been established

• support and advice to SPA Committees is being improved, as is the method of convening meetings and recording and progressing decisions

• a revised SPA Governance Framework was approved by the Board in June which embeds the standards and practices which should be expected of a major national public body. The revised Governance Framework is available on the SPA website at the following link: [http://www.spa.police.uk/assets/126884/441011/441165/510686/item10.2spa.gov](http://www.spa.police.uk/assets/126884/441011/441165/510686/item10.2spa.gov)

• new shared Board objectives (APPENDIX A), reflecting the Authority’s key statutory functions and reflecting good practice in public sector governance, were approved by the Board at its October meeting. These shared objectives will now provide the framework for the development of individual Board member objectives which will be developed through a formal Performance Review process to be completed by the end of this year

• I have introduced a practice of presenting a written Chair’s report, in public, to each SPA Board meeting. This sets out where the focus of my work has been in and updates on significant developments in the period since the previous Board meeting.
SPA Practice and Performance

A process of rapid and continuous improvement in terms of how the organisation works and engages with others has been put in place with external input, advice and support where appropriate, e.g. HMICS and Audit Scotland. This has included:

• SPA Improvement Plan

An SPA Improvement Plan, developed by the Interim Chief Officer, together with SPA staff, was approved by the Board in May. You can view the Improvement Plan on the SPA website at the following link: http://www.spa.police.uk/assets/126884/441011/441165/457127/8.4iSPAImprovementPlan. Progress against this Plan is being tracked and reported to the SPA Board in public.

The Improvement Plan responds to 14 reviews, inspections and audits of the Authority that were published during the 2017-18 financial year, and focuses on four priority areas for action:

• Board and Committees
• Improving internal governance, policies and procedures
• Strengthening external relationships and procedures
• Building the SPA executive team’s capacity and capability

• SPA Executive Capacity and Capability

A number of steps have been, and are being, taken to put in place the capacity and capability within the SPA executive team to enable the organisation to carry out its core functions effectively and to ensure that people, skills and resource are aligned to the Authority’s statutory functions and organisational priorities. It should be noted that the SPA has been operating significantly below its approved establishment level for some considerable time.

• a number of interim appointments and secondments were put in place at an early stage to fill significant gaps and strengthen key functions (including to support the role of the Interim Chief Officer as Accountable Officer)
• a reshaped and strengthened Chief Executive role has been developed and approved and an appointment has now been made
• the Interim Chief Officer has undertaken an initial review of the structure of the organisation which has acted as the basis for a number of other key appointments
• considerable further work to build, develop, strengthen and shape the organisation is required and will now be taken forward as a priority by the new Chief Executive.

Strengthening the Leadership of Police Scotland

A key focus of my work has been to build resilience and to develop a stable, collegiate and strengthened Police Scotland leadership team. This has involved significant time and effort...
across a range of work, including ensuring that the SPA carries out its function effectively in respect of the appointment of senior officers. Some of the key outcomes of this work include:

- **Senior Officer Recruitment**
  
  - the design, development and delivery of a series of robust, rigorous and open recruitment processes for a number of senior officer appointments. These involved enhanced SPA governance (through the new Succession Planning and Appointments Committee), external independent advice and assessment, and external stakeholder input to the selection process
  
  - the appointment of a new Chief Constable, two new Deputy Chief Constables and three new Assistant Chief Constables.

- **Ongoing Leadership Development**
  
  - steps have been, and are being, taken to support the new, strengthened leadership team; invest in leadership development at other levels within Police Scotland; develop a leadership ‘pipeline’ and to build a strong and sustainable leadership model for the future.

**Examples of Other Priority Areas for Improvement and Development**

There are many other areas of ongoing improvement and development and I am in no doubt that we still have much work to do, however significant progress has been made in order to establish the SPA as an effective and trusted public body and to improve the leadership and governance of policing in Scotland. Examples of some of the other priority areas of work are provided below:

- **Enhanced Local Accountability and External Relationships**

  Improving relationships and working collaboratively with external stakeholders and partners has been a focus for development across the work of the SPA. Building stronger links with local authority partners and developing the local scrutiny of policing is a key part of this. This work is ongoing and wide ranging and has included:

  - Board outreach – including holding Board meetings in different parts of the country and coupling this with engagement with local authority elected members and officers, police and community organisations
  
  - joint work on local scrutiny – enhanced liaison with COSLA, including local police scrutiny convenors, and a joint working group involving SPA, COSLA, Police Scotland and SOLACE to establish a shared evidence base and develop improved local scrutiny arrangements
  
  - local policing – an enhanced focus on the development of local policing, together with the Chief Constable – this was the primary focus of the SPA’s most recent Board meeting
• external partnerships and relationships – developing and strengthening links and partnerships with a range of bodies is an ongoing area of development - including justice partners, third sector organisations, academia (including through SIPR) and other policing organisations across the UK.

• Complaints Procedures and Handling

The SPA has a number of key statutory functions in relation to the handling and oversight of police complaints and conduct issues. This was identified as an early priority for improvement. Steps taken include:

• the re-establishment of a Complaints and Conduct Committee with strong professional advice and input
• the strengthening and improvement of SPA’s Complaints handling processes
• bringing together a range of stakeholders and organisations to take forward system-wide improvements
• active engagement and input to the Dame Elish Angiolini’s Independent Review.

• Organisational Performance

Significant steps have been, and are being taken, to improve and develop many other aspects of operational and financial performance across the SPA and Police Scotland and to strengthen SPA’s scrutiny of Police Scotland. Examples include:

• the 2017-18 Annual Report and Accounts, which have recently been approved by the SPA Board and will be laid before Parliament shortly, will report fully on the financial performance of the organisation and on improvements made to financial stewardship. This will be accompanied by Audit Scotland’s Annual Audit Report
• the SPA’s Transformation Working Group is overseeing Police Scotland’s Change programme and is exploring how the delivery of that programme can be supported and progressed effectively alongside strengthened reporting and scrutiny
• work is underway, jointly with Police Scotland, to further develop Police Scotland’s Performance Framework and to strengthen the SPA’s oversight of policing performance. This has been identified as a top priority for the leadership of both the SPA and Police Scotland over the coming months
• a stronger focus has been placed on the needs and views of the workforce, supported by increased Board level focus on people issues and the creation of a new Partnership Forum involving the leadership of the staff associations and trade unions, SPA and Police Scotland
• internal and external communication has been identified as a key area still requiring significant improvement and development, both within Police Scotland and the SPA, and will be a key focus of attention in the period to come not least to build greater shared awareness among the workforce, policymakers, stakeholders and the public
about the operation and development of policing in Scotland and of how policing is changing to adapt to the needs of a changing Scotland.

Susan Deacon
Chair, Scottish Police Authority
25 October 2018
Scottish Police Authority
Shared Board Objectives: 1 November 2018 to 31 March 2020

1. The Police and Fire Reform (Scotland) Act 2012 created the Scottish Police Authority (SPA) and set out its five core functions:

   - to maintain the Police Service;
   - to promote the policing principles set out in the 2012 Act;
   - to promote and support continuous improvement in the policing of Scotland;
   - to keep under review the policing of Scotland; and
   - to hold the Chief Constable to account for the policing of Scotland

2. These five functions demonstrate the dual, integrated responsibilities of the SPA: its oversight role in scrutinising policing in Scotland and holding the Chief Constable to account; and its supportive role in maintaining and improving the Police Service.

3. The SPA aims to increase public trust and confidence in the policing of Scotland in the way it carries out its functions and through the quality of its governance arrangements. The SPA’s Governance Framework sets out the values which we aim to follow in the public interest:

   - fairness - acting in an independent way with integrity and free from bias, real or perceived;
   - openness – acting in an open and transparent way, promoting and sharing good practice;
   - accountability – being fully accountable for decisions it makes, the performance of its functions and how it uses public funds.

4. The shared objectives of the Board and the personal objectives of individual Board Members follow from these functions and responsibilities, and will be refreshed regularly to adapt to any changes in the context in which the SPA and Police Scotland operate. The objectives set out below will cover the period until March 2020, and are grouped into four categories: Strategy, Scrutiny, Support and Communication.

**Strategy**

5. The SPA must promote and support continuous improvement in policing and keep policing under review. To meet these responsibilities, the Board will:
• keep under review the “Serving a Changing Scotland” and “Scientific Excellence for Safer Communities” ten-year strategies, working with Police Scotland and Forensic Services respectively to refresh them as required;
• promote best practice, research and debate around the future development of policing.

Scrutiny
6. The SPA is required to hold the Chief Constable to account for the policing of Scotland. The Board will therefore:

• scrutinise Police Scotland’s performance in delivering the ten-year strategy agreed by the SPA and Police Scotland in 2017, and in delivering annual police plans, using performance measures developed jointly with Police Scotland and other relevant bodies and with due regard to the public interest;
• scrutinise Police Scotland’s financial performance;
• maintain a governance system that enables effective oversight of policing, ensures compliance with legal duties and gives due consideration to advice and recommendations from external scrutiny bodies.

Support
7. The SPA must maintain and support the Police Service and its workforce. To do this it will:

• work collaboratively with Police Scotland and other partners to achieve the transformation required to deliver the ten-year strategy;
• apply due diligence to policy and investment proposals submitted by Police Scotland in support of change;
• oversee Police Scotland’s budgetary management and manage the SPA’s budget in accordance with the requirements of the Scottish Public Finance Manual;
• ensure that the SPA and Police Scotland workforce is managed and supported to the highest standards of conduct, fairness and respect;
• provide forensic services to Police Scotland, PIRC, the Lord Advocate and procurators fiscal as required by the Police and Fire Reform (Scotland) Act 2012.

Communication
8. The SPA must articulate its role clearly and confidently, building relationships with stakeholders that respect each other’s interests and accountabilities. The Board will therefore:

• communicate transparently and effectively through a range of channels and forums;
• ensure that the public and other stakeholders are involved appropriately in the work of the Board and that their interests are understood and respected.

9. In meeting these objectives, Board Members will adhere to the SPA’s Code of Conduct and follow the principles laid out in the Scottish Government’s “On Board” guidance, including upholding the principles set out in the Ethical Standards in Public Life etc. (Scotland) Act 2000. Members will operate in a non-executive capacity, declare all relevant interests and participate in a Development Programme designed to support them in achieving their corporate and individual objectives and to support a culture of continuous improvement within the SPA.