

<b>Meeting</b>	<b>Audit Risk and Assurance Committee</b>
<b>Date</b>	<b>28 January 2021</b>
<b>Location</b>	<b>Video-conference</b>
<b>Title of Paper</b>	<b>HMICS Thematic Inspection of SPA Progress Update</b>
<b>Presented By</b>	<b>Lynn Brown, Interim Chief Executive</b>
<b>Recommendation to Members</b>	<b>For consultation</b>
<b>Appendix Attached</b>	<b>Yes – Appendix A – Progress Summary</b>

**PURPOSE**

To provide the Audit Risk and Assurance Committee (ARAC) with an update on progress against the recommendations from the HMICS Thematic Inspection of SPA (published September 2019).

The paper is presented in line with the Purpose and Scope of the Terms of Reference for the ARAC.

The paper is submitted for Consultation

**1. BACKGROUND**

- 1.1 Progress against the 14 recommendations from the HMICS Thematic Inspection of SPA was previously reported to the ARAC on 15 September 2020.

**2. FURTHER DETAIL ON THE REPORT TOPIC**

- 2.1 **Appendix A** outlines the current status of all recommendations.
- 2.2 An enhanced report format has been developed with recommendations split into four categories:-
- i. SPA are addressing
  - ii. Require contribution from out with SPA
  - iii. Owned by Scottish Government
  - iv. Discharged
- 2.2 There has been meaningful engagement between SPA staff and HMICS in respect to the eleven open recommendations. This has helped understanding of expectations/challenges and will ultimately contribute to quicker and more efficient discharge of the recommendations.
- 2.3 Since reporting to the ARAC in September 2020, recommendation number one (implementation of a new SPA corporate structure) has been confirmed by HMICS as discharged. A total of three recommendations are now discharged.

**3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications associated with this paper.

**4. PERSONNEL IMPLICATIONS**

- 4.1 There are no personnel implications associated with this paper.

**5. LEGAL IMPLICATIONS**

- 5.1 There are no legal implications associated with this paper.

**6. REPUTATIONAL IMPLICATIONS**

- 6.1 There are potential reputational implications associated with the pace and effectiveness with which the recommendations are addressed.

**7. SOCIAL IMPLICATIONS**

- 7.1 There are no social implications associated with this paper.

**8. COMMUNITY IMPACT**

8.1 There are no community impact implications associated with this paper.

**9. EQUALITIES IMPLICATIONS**

9.1 There are no equality implications associated with this paper.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications associated with this paper.

**RECOMMENDATIONS**

Members are requested to note and comment on the content of this paper and the appended progress update.

**APPENDIX A**

**Summary**

<b>Classification of recommendations:</b>				
	<b>Section 1.</b> SPA are addressing	<b>Section 2.</b> Require contribution from out with SPA	<b>Section 3.</b> Owned by Scottish Government	<b>Section 4.</b> Discharged
1				✓
2			✓	
3	✓			
4		✓		
5	✓			
6		✓		
7	✓			
8				✓
9				✓
10	✓			
11	✓			
12	✓			
13		✓		
14		✓		
	<b>6/14</b>	<b>4/14</b>	<b>1/14</b>	<b>3/14</b>

**Section 1. Recommendations SPA are Addressing**

<b>Recommendation 3</b>
The Scottish Government and the Scottish Police Authority should undertake an immediate review of the roles of the Chair and Board members in executive work, in line with principles of good governance, empowering the Scottish Police Authority executive team to assume operational management of the organisation.
<b>Actions Completed</b>
<ul style="list-style-type: none"> <li>▪ Robert Black Report published 7<sup>th</sup> August 2020.</li> <li>▪ SPA Corporate re-structure completed supporting the role of Chair and Members as non-executives.</li> <li>▪ Communication from Interim CEO to members emphasising that staff should not be tasked by members and tasking of staff is for the CEO.</li> <li>▪ Approval of SPA Governance and Accountability framework (Oct 20) outlining the roles and the Chair and Board Members.</li> <li>▪ Recruitment documentation includes:-             <ul style="list-style-type: none"> <li>○ Chair - Chair's responsibilities including adherence to ethical standards (specifically referenced to code of conduct / Nolan and SG's "on board" guidance that you will be required to uphold);</li> <li>○ General Board Members recruitment pack (Oct 20) - again also has a very clear list of roles and responsibilities (P7) and the same conduct / SG "on board" guidance" that you will uphold;</li> <li>○ Chief executive - section P9 on role profile of the Chief Exec - role is clear as principal advisor to the Board and Accountable Officer.</li> </ul> </li> </ul>
<b>Planned Action</b>
<ul style="list-style-type: none"> <li>▪ Finalise Member induction including clear articulation of Committee Chair responsibilities in addition to the role of Members and the SPA executive team.</li> <li>▪ New and existing members to receive the new induction training.</li> </ul>
<b>Documentation/Evidence provided to HMICS</b>
<ul style="list-style-type: none"> <li>▪ Communication from CEO to Members emphasising that staff should not be tasked by members.</li> <li>▪ Documentation supporting the recruitment of Chair, Members and CEO.</li> </ul>
<b>Summary Position</b>
The manner in which SPA operates (Dec 20) is in line with the recommendation. The actions completed and planned will provide the supporting documentation to support continued operational management of the organisation by the executive team.

<b>Recommendation 5</b>
The Scottish Police Authority should proceed to formally co-opt COSLA to their Board and appropriate Sub-Committees in order to enhance the link between local and national policing.
<b>Actions Completed</b>
<ul style="list-style-type: none"><li>▪ Arrangement in place whereby Cllr Kelly Parry has been nominated by COSLA to participate in Policing Performance Committee meetings.</li><li>▪ SPA attendance at COSLA Scrutiny Forum twice a year.</li></ul>
<b>Planned Action</b>
The SPA will be developing a communication and engagement strategy that will consider links between partner bodies including Local Government.
<b>Documentation/Evidence provided to HMICS</b>
<b>Summary Position</b>
SPA has carefully explored the recommendation, however, the specific proposed is not considered to be feasible. The Authority is exploring alternative ways to engage with partners including representation on the Policing Performance Committee and other alternative arrangement will be explored further in the communication and engagement strategy.

**Recommendation 7**

The Scottish Police Authority should implement effective engagement and feedback mechanisms with staff associations and unions as part of a wider stakeholder engagement and consultation approach.

**Actions Completed**

- Significant engagement has taken place and is ongoing with staff associations and unions to inform development of improved engagement mechanisms.
- People Committee Terms of Reference approved at SPA Board with Staff Associations and Trade Unions invited to committee meetings acting in ex officio capacity. First meeting likely to take place in March 2021.

**Planned Action**

- Specific forum being developed between SCPOSA and SPA in recognition of specific 'employment' role of SPA for Chief Officers. Implementation date to link in with People Committee implementation.
- Proposals under development to improve Committee and Board paper content to better understand the position of staff associations and unions as well as understanding their level of involvement.
- Proposals under development to consider the practicalities of implementing an effective and meaningful written submission process to allow direct submissions from staff associations and unions for Committee and Board items.

**Documentation/Evidence provided to HMICS**

**Summary Position**

Work planned, in addition to progress already made, will support discharge of the recommendation

<b>Recommendation 10</b>
The Scottish Police Authority should further develop its self-assessment and performance monitoring approach to include examples and measures of the Scottish Police Authority's own impact on continuous improvement.
<b>Actions Completed</b>
SPA Assessment against Best Value expectations outlined in the SG Guidance for Accountable Officers reported to the ARAC in September 2020.
<b>Planned Action</b>
<ul style="list-style-type: none"><li>▪ Revisit the self-assessment to consider development in recent months and develop an action plan to progress findings from this work.</li><li>▪ Consider and hold Police Scotland to account for its own development and assessment of Best Value.</li></ul>
<b>Documentation/Evidence provided to HMICS</b>
<b>Summary Position</b>
<ul style="list-style-type: none"><li>▪ Initial work on self-assessment using Best Value has been positively received by HMICS.</li><li>▪ Further work is ongoing to develop an action plan to address gaps identified.</li></ul>



**Recommendation 11**

The Scottish Police Authority requires to set out in detail how it will exercise its duty to hold the Chief Constable to account through its system of governance.

**Actions Completed**

- Key documents approved by the Authority:
  - a. SPA excellence framework (February 2020);
  - b. Methodology for oversight of change (February 2020);
  - c. Revised performance framework (June 2020).
- Governance and Accountability Framework Document of the Scottish Police Authority was approved by the Cabinet Secretary for Justice in October and is now incorporated in the SPA Corporate Governance Framework of the SPA.
- Development of the SPA 2020 structure that provides sufficient and skilled staff to support Members in their scrutiny role of Police Scotland including the Chief Constable.

**Planned Action**

- Recruitment and training of SPA staff to support Members scrutiny.
- Finalise member induction including clear articulation of Committee Chair responsibilities in addition to the role of Members and the SPA executive team.
- New and existing members to receive the new induction training that includes a focus on how to effectively challenge and hold the police service to account.

**Documentation/Evidence provided to HMICS**

**Summary Position**

Holding the Chief Constable to account is not solely completed via Authority Meetings. There are numerous layers of assurance in place including but not exclusively – Committees, ongoing engagement between SPA Executive and Police Scotland etc.

Significant improvements in the operation of SPA executive has taken place that will support discharging this recommendation and further Members training will be undertaken focused on effectively challenging and holding the police service to account.

**Recommendation 12**

The Scottish Police Authority and Police Scotland should develop a forward planning system of proactive risk awareness and post-implementation scrutiny for policing policy changes which are likely to have an impact on public confidence.

**Actions Completed**

- Key documents approved by the Authority:
  - a. SPA Annual Business Plan (May 2020);
  - b. Methodology for oversight of change (February 2020);
  - c. SPA Excellence Framework (February 2020).

**Planned Action**

- Strategic Coordination Unit (SCU) engaging with Police Scotland to understand what environmental/ horizon scanning is completed by Police Scotland and how that can be used by SPA to discharge this recommendation.
- Liaise with Police Scotland to agree and implement a robust process for governance and engagement around the strategic assessment.

**Documentation/Evidence provided to HMICS**

**Summary Position**

Further consideration of how the action can be discharged, aligned to objectives of SPA, once the planned actions are completed.

**Section 2. Recommendations that require contribution from out with SPA**

<b>Recommendation 4</b>
The Scottish Government, the Scottish Police Authority and Police Scotland should develop a clear system of engagement and governance for reserved policing matters.
<b>Actions Completed</b>
Governance and Accountability Framework Document of the Scottish Police Authority was approved by the Cabinet Secretary for Justice in October and is now incorporated in the SPA Corporate Governance Framework.
<b>Planned Action</b>
SCU tasked to engage with Police Scotland on protocol for reserved policing matters between SPA and Police Scotland taking cognisance of the roles and responsibilities of the Accountable Officer.
<b>Documentation/Evidence provided to HMICS</b>
<b>Summary Position</b>
The updated Governance and Accountability Framework brings clarity on roles and responsibilities. Further work is requires specifically relating to reserved policing matters.

<b>Recommendation 6</b>
The Scottish Government, the Scottish Police Authority and Police Scotland should review the designation of Accountable Officer(s) within policing.
<b>Actions Completed</b>
Robert Black report published 7th of August includes consideration of the role of accountable officer.
<b>Planned Action</b>
Action with the roundtable to progress.
<b>Documentation/Evidence provided to HMICS</b>
<b>Summary Position</b>
The designation of the Accountable Officer within policing is being considered by the Policing Governance Roundtable which SPA are actively engaging and contributing to. Addressing this recommendation is dependent on the outcome of the roundtable.

**Recommendation 13**

The Scottish Police Authority should review the role of the Forensics Committee to work effectively with other Scottish Police Authority Committees and review the optimum governance and delivery options for Forensic Services.

**Actions Completed**

- SPA 2020 roles and responsibilities reflect the support provided to FS by SPA Corporate.
- Corporate Governance Framework of the Scottish Police Authority approved at Board Meeting November 2020.
- ARAC receive Internal Audit Reports that related to Forensic Services.
- Wider decisions relating to Forensics considered by Resources Committee and Board.

**Planned Action**

In line with best practice, all committees including the Forensics Services committee will undertake an annual review of the effectiveness of the committee.

**Documentation/Evidence provided to HMICS**

**Summary Position**

Legislative changes would be required to alter the governance and delivery options of Forensic Services. SPA will support and contribute to any work reviewing the governance and delivery options led by Scottish Government

The planned review of effectiveness of the FS Committee will inform if any changes are required to the current arrangements.

**Recommendation 14**

The Scottish Police Authority should improve visibility of the work of the Independent Custody Visiting Scheme, direct scrutiny of custody arrangements and outcomes for detainees. It should also review the optimum governance and delivery options for the Independent Custody Visiting Scheme.

**Actions Completed**

- As part of the CE update to the SPA Board on 19 August 2020 a paper was presented providing information on ICVS and monitoring in place during COVID 19.
- The ICVS draft annual review was presented to the Policing and Performance Committee 26 August 2020 in private for members to comment and provide feedback before publication.

**Planned Action**

- Consideration of how the ongoing visibility of ICVS can be implemented.
- As part of the implementation of the new SPA 2020 structure additional support will be in place to manage ICVS. Consideration to be undertaken of the operation of the function.

**Documentation/Evidence provided to HMICS**

**Summary Position**

The delivery of ICVS is set within the Police and Fire Reform Act. SPA will develop and enhance the visibility of ICVS within the current structures of SPA.

### Section 3. Recommendation owned by Scottish Government

<b>Recommendation 2</b>
The Scottish Government should clarify in what respects the Scottish Police Authority differs from other public bodies and specify the implications for the system of governance for policing.
<b>Actions Completed</b>
<ul style="list-style-type: none"><li>▪ Governance and Accountability Framework Document of the Scottish Police Authority, approved by the Cabinet Secretary for Justice in October, describes the context within which the Authority operates and sets out key roles and responsibilities</li><li>▪ SPA are actively engaging and contributing to Policing Governance Roundtable which.</li></ul>
<b>Summary Position</b>
Recommendation is for Scottish Government to address.

### Section 4. Discharged recommendations

*Completed recommendations confirmed by HMICS*

Rec 1. The Scottish Police Authority Chief Executive should lead and expedite the implementation of a new Scottish Police Authority corporate structure and ensure an appropriate focus on existing staff wellbeing.

Rec 8. The Scottish Police Authority executive team should develop proposals for effective governance of change and transformation, bringing forward proposals as a matter of urgency.

Rec 9. The Scottish Police Authority executive team should develop and secure approval from the Board for a new corporate plan.