



Meeting	Authority Meeting
Date	23 May 2024
Location	Merchants House, Glasgow
Title of Paper	Chair's Report
Presented By	Martyn Evans
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix A - Memorandum of Understanding Appendix B - Vice Chair Role Description

PURPOSE

To update Authority Members on activities carried out by the Chair since the last Authority meeting held on 21 March 2024.

1. Memorandum of Understanding

- 1.1 Members will recall that the Scottish Police Authority and Police Scotland signed a Memorandum of Understanding (MOU) in 2021. The MOU seeks to provide a guide to early and effective identification, and appropriate engagement, between the Authority and Police Scotland. This applies when the service is considering a new or significantly revised and emerging strategy, policy, or practice to improve the safety and wellbeing of persons, localities, and communities in Scotland, and which are likely to be of significant public interest.
- 1.2 Three years on from agreeing the MOU. Chief Constable Jo Farrell and I have now reviewed, refreshed and agreed the MOU to make it clearer. The updated MOU is attached to my report at Appendix A.

2. Board Objectives 2024-25

- 2.1 The Board's [objectives for 2024-25 have been reviewed, refreshed and published on the Authority's website](#) following agreement with members.
- 2.2 The Board's objectives explain what the Board, as a collective group of non-executive members, will do to contribute to the direction and priorities for policing which are set out and approved by the Board in the following three documents:
- The joint [Strategy for Policing 2023-2026](#)
 - The [Forensic Services Strategy 2021-2026](#)
 - The [Authority's Corporate Strategy 2023-2026](#)
- 2.3 The two key priorities for the Board during 2024-2025 will remain:
- To maintain a balanced budget position within policing
 - To support the development of sustainable policing and forensic services.
- 2.4 To meet both objectives, the Board will focus its support and scrutiny of policing in three specific areas:
- Culture
 - Capacity
 - Capability

3. Board Members Recruitment

- 3.1 The Cabinet Secretary for Justice has now approved the appointment of four new Board members. I expect the Public

Appointments Team to announce the names of the successful individuals shortly.

- 3.2 The new Members are expected to take up their posts in June and the Chief Executive has a comprehensive induction programme in place to support them to join the Board.
- 3.3 I will consider and recommend the appointment of new Members to committees to the Authority meeting in June, once I have had the opportunity to discuss this with each of them and Committee Chairs.

4. Assistant Chief Constables

- 4.1 As reported to the Board in March, the Authority launched a recruitment process seeking three Assistant Chief Constables for Police Scotland. The process launched on 22 March 2024 and the selection process is now underway.
- 4.2 I will Chair the Selection Panel which also includes the Chief Constable, Deputy Chief Constable Jane Connors, Authority Member Tom Halpin, and Sally Loudon as the Independent Member. The Selection Panel will recommend appointments to the Authority by the end of May and an announcement confirming successful candidates will follow shortly thereafter.

5. Vice Chair role description

- 5.1 At the February Authority meeting, Members approved the appointment of Fiona McQueen as Vice Chair of the Scottish Police Authority, effective from 1 April 2024.
- 5.2 Fiona and I have reviewed and updated the Vice Chair's role description, and this is attached to my report at Appendix B for wider awareness and transparency.

6. Minutes of meetings with Cabinet Secretary for Justice

- 6.1 Members are aware that I meet regularly with the Cabinet Secretary for Justice and separately with the Cabinet Secretary and Chief Constable.
- 6.2 For transparency, a minute of all meetings held with the Cabinet Secretary and Chief Constable; the Cabinet Secretary and the Authority, or joint meetings involving all three are now being routinely published on the Scottish Government's website. Notes of meetings from January 2024 can be found on the Scottish

Government's website at the following link: [Minutes of regular meetings with Cabinet Secretary, Chair and Chief Constable](#).

7. Statutory Staff Association, Trade Union and Diversity Association engagement

- 7.1 Since the last Board meeting there have been a series of meetings with our staff associations and trade unions who provide valuable input to our support and scrutiny of policing.
- 7.2 The Association of Scottish Police Superintendents (ASPS) took time to meet members and discuss a range of issues including the efforts to develop and improve the culture within policing. I have agreed to attend ASPS' Centenary Conference being held at Peebles Hydro on 21 May 2024.
- 7.3 Fiona McQueen and I have met with Unison where we discussed the Revised Model of Policing and the impact of new Hate Crime legislation on C3 staff amongst other things.
- 7.4 Fiona and I also met with the Disability and Carers Association earlier this month where we spoke predominantly about the promotion processes for both officers and staff on modified duties.
- 7.5 I am grateful to Fiona who also led our recent engagement with the Christian Police Association. It was a valuable and productive meeting where we discussed the voice of the diversity staff associations as well as matters of equality, diversity and inclusion and staff welfare, including chaplaincy.

8. COSLA Leaders Forum

- 8.1 On Friday 26 April the Chief Constable and I were invited to speak at the COSLA Leaders Forum. Council leaders from every local authority in Scotland attend this forum and I reiterated my view that local government is a key strategic partner to the Authority and highlighted areas where I think we can enhance our collaborative working such as digitisation, estate rationalisation, influencing the wider justice system and innovation in service delivery. These opportunities to engage directly across local government are something I value greatly, and I appreciate the discussion and questions from Leaders.

9. Local Authority Scrutiny

- 9.1 Members will recall that a tripartite review of local policing was conducted between the Authority, Police Scotland and COSLA in

2021. As a continuation of this collaborative approach and our ongoing commitment to supporting local scrutiny of policing, the Authority hosted a webinar for scrutiny leaders across local government at the end of March. This webinar focused on local engagement and ownership of Local Police Plans, ensuring robust reporting and getting the best from alignment of plans to local priorities. To support this work, a further webinar took place with the council officers who support scrutiny committees and forums. Local scrutiny offers the Authority additional and valuable assurance. These webinars, and our continued joint focus on the improvement of scrutiny, are a critical element of our partnership delivery plan with COSLA and Police Scotland.

10. Community Confidence Action Research

10.1 The Authority and Police Scotland have now concluded the operational phase of our community confidence project. The project aims to develop our understanding of what drives confidence and trust in policing at a local community level. The work has been carried out in Fullarton, Irvine, Letham, Levenmouth and Wick over the last two years. The evaluation phase is now underway and will deliver findings and a toolkit for further roll out of this approach across further local policing areas.

RECOMMENDATIONS

Members are invited to discuss the contents of this report.

Appendix A



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA



POLICE
SCOTLAND
Keeping people safe
POILEAS ALBA

1. Memorandum of Understanding (MOU) on engagement and communication relating to new and emerging strategy, policy, or practice in areas of significant public interest

Introduction

This Memorandum of Understanding (MOU) seeks to provide a guide to early and effective identification, and appropriate engagement, between the Scottish Police Authority and Police Scotland. This applies when the service is considering a new or significantly revised and emerging strategy, policy, or practice to improve the safety and wellbeing of persons, localities, and communities in Scotland, and which are likely to be of significant public interest.

The aim is to acknowledge issues early, develop a fully informed understanding of the public interest issues regarding it, and agree the critical pathway for comprehensive assessment and anticipated outcomes. The MOU will use existing Police Scotland management controls and advisory mechanisms, and the Authority's established governance framework, to achieve this aim.

2. Principles of early engagement and communication

There is a statutory duty on policing, set out in the Police and Fire Reform (Scotland) Act 2012, to work in a manner which is collaborative with partners, accessible and engaged with local communities, and with a clear emphasis on prevention.

Police Scotland will work proactively with the Authority where an issue is assessed as likely to be of significant public interest. This should be at the earliest practicable stage of the development process of a new or revised strategy, policy, or practice. The joint objective is to better inform decision making, through wide and transparent public discussion and engagement at the earliest opportunity. Enhancing decision making by enabling the widest civic awareness, understanding of the issue, and providing assurance that relevant partners and stakeholders have had an opportunity to consider and contribute to it.

The impacts and benefits of many policy issues within policing are felt across communities and civic partners, including local government. Early engagement with the Authority should identify these impacts and benefits. Associated risks, whether relating to service quality, reputational, governance or public confidence matters should also be identified and where possible proactively mitigated through an agreed coordinated plan.

The MOU will apply specifically to new, revised, and emerging areas of strategy, policy, or practice; however, the use of the MOU principles will support the identification of broader, thematic, issues for discussion and consideration. For example, Police Scotland may seek to introduce new technologies to protect citizens against the growing range of digital threats and risks. There is, however, the need for a wider, contextual, discussion about the appropriate balance of duties of policing in Scotland, alongside the safety and privacy expectations and rights of the public.

Police Scotland will build on its consistent demonstration of, and commitment to, ethical policing and its organisational values of integrity, fairness, respect, and commitment to upholding human rights. Openness and transparency in its decision making on significant matters of new strategy, policy or practice aims to further strengthen the principle of policing by consent across all Scottish communities.

The Chief Constable's responsibilities for improving the safety and well-being of persons, localities and communities in Scotland may in time critical situations require dynamic and responsive decision making. The Chief Constable is required and empowered in statute and common law to take such decisions in relation to strategy, policy or practice as circumstances require. It may not, therefore, be possible for this Memorandum of Understanding to cover every situation or eventuality that may arise as the Chief Constable discharges these responsibilities. In those exceptional circumstances the spirit of the Memorandum of Understanding should be applied.

3. Operational independence and accountability of the Chief Constable

This MOU recognises the balance and alignment between the Chief Constable's operational independence and the Chief Constable's accountability to the Scottish Police Authority as set out in Police and Fire Reform (Scotland) Act 2012.

The principle of operational independence of the Chief Constable and Police Scotland is long established and is a crucial feature in any democracy. Explicit respect for, and protection of this operational independence is the most effective way of ensuring that Police Scotland

can discharge its statutory duties and responsibilities fairly and consistently, and in a manner which has respect for the human rights of every citizen at its core.

The Police and Fire Reform (Scotland) Act 2012 sets out the arrangements for policing in Scotland, including oversight and accountability provisions. The provisions of the 2012 Act underpin the critical common law principle of operational independence, making it clear that operational decision-making rests with the Chief Constable, who is accountable to the people of Scotland, through the Scottish Police Authority, for the policing of Scotland.

The 2012 Act provides that the Chief Constable must ensure that the policing of Scotland be carried out within certain parameters, and with due regard to the policing principles and strategic police priorities.

There is no provision in the legislation which allows Scottish Ministers or the Scottish Police Authority to direct the Chief Constable in relation to any specific operational activity. The Act specifically prohibits Scottish Ministers from providing direction in respect of a specific operation being (or to be) carried out by the Police Service, or the way in which the Police Service is carrying out (or is to carry out) a specific operation. The Authority is an important element of this protection from any political attempt to influence policing.

Therefore, nothing in this MOU will undermine or diminish the critical principle of the operational independence of the Chief Constable.

4. Areas and issues covered by this Memorandum of Understanding

Police Scotland will ensure, wherever possible, early engagement with the Authority, to assess whether the new or revised strategy policy or practice meets the following criteria:

- that it is likely to cause significant ethical, privacy or human rights concerns to be raised by stakeholders and the public, or
- to have a significant impact on public perceptions of, or confidence, in policing.

Police Scotland will ensure that, at the appropriate stage, any significant new or revised strategy, policy or practice developments are subject to tests of legality and proportionality, Human Rights and Equality Impact Assessments, Data Protection Impact Assessments, Community Impact Assessments, and any other appropriate assessment process which will inform the public interest considerations. The Authority will review these assessments and may seek further assurances from Police Scotland on the details of the assessments and the degree to which there has been partner and public engagement.

The Authority will actively collaborate in early engagement with Police Scotland over new or revised strategy, policies or practice which fall within the remit of this MOU.

The signing of this Memorandum of Understanding, by the Chief Constable and the Chair of the Authority, is an agreement that the principles should be applied as the default approach to the relationship between both organisations, regarding changes to policing which are likely to generate significant public interest.

On occasion, there may be specific areas of strategy, policy, or practice where it is appropriate for the Authority and Police Scotland to jointly lead engagement and communication on the issue. The Authority and Police Scotland will respectively appoint lead officials to take this work forward. The Chief Constable and Authority Chair may also consider whether it is appropriate to establish an Independent Advisory Group or dedicated Authority Oversight Group for the issue.

5. Stages of the Memorandum of Understanding

The following stages should form part of the process arising from the approach described in this Joint Memorandum of Understanding. These stages are purposefully not over prescribed, to ensure that the MOU facilitates a meaningful focus on the issue and its identified public purpose. It also allows consideration of the associated benefits and risks, understanding its impact through an early public conversation and discussion, and using this information to transparently consider the range of views of the public, key partners, and stakeholders. The stages are as follows.

6. Identification and Assessment

- Develop a short description of the issue and a description of the clear and defined purpose to improve the safety and wellbeing of persons, localities, and communities in Scotland.
- An assessment of whether and how it meets the remit of this MOU (particularly in terms of public interest and impact).
- Should it be assessed that the brief does not meet the remit of the MOU, a written rationale will be recorded and retained.
- An outline of clear timelines for proposed implementation.
- There should be a strong emphasis, whether instigated by Police Scotland or the Authority, on (a) the early identification of issues connected to public/political/partner confidence, (b) an outline of the key ethical, privacy or human rights considerations, and (c) other associated risks.

7. Communication, Engagement and Delivery

Police Scotland and the Authority should consider the following.

- If appropriate, set out shared outcomes for the issue.
- Agree a critical path, to ensure that the development and testing of the issue is subject to regular oversight and discussion through the Authority and Police Scotland governance .
- Agree a plan to use existing bodies (for example, Police Scotland Ethics Panels or existing Local Authority or COSLA advisory or scrutiny mechanisms) to test any ethical, privacy and any human rights, and wider public or partner confidence issues associated the issue. Develop an engagement plan for the issue, to include communications and stakeholder management, to ensure (a) a full and transparent discussion of the issue, and (b) the most informed decision-making on next steps/approval. Early consideration should be given to the use of public surveys and convening interest or focus groups to promote debate and understanding of the issue.
- Ensure that the engagement and communications process include Staff Association and Trade Union views on the issue.
- Where possible, use best practice/available evidence from other jurisdictions and sectors, engaging academic partners where appropriate.
- Consider the appropriateness and value of a test deployment, and formal external or internal evaluation prior to full implementation.
- Plan to establish a baseline and post implementation review process to produce, within a reasonable time, a short Post-Implementation Report on impact evaluation, delivered or projected benefits and any wider organisational learning.

The MOU will continue to be reviewed annually and approached as a flexible and learning focused process to maximise public engagement and understanding of the justification for changes to policing in Scotland.

Appendix B

ROLE DESCRIPTION – Vice Chair

Term of office: As approved by the Board on nomination of the Chair

Primary Purpose of the Role:

Vice Chair of the Authority is a critical leadership position. Responsible for supporting the Chair and the Board to achieve agreed strategic objectives and ensuring effective support and governance of policing. This role incorporates significant leadership, advisory, and collaborative responsibilities.

Main duties of Vice Chair:

- Work collaboratively with the Chair, providing support and advice, ensuring effective strategic leadership of the Authority and policing aligned to the strategic direction and priorities.
- Take on responsibilities delegated by the Chair.
- Deputise for the Chair, acting as an ambassador on behalf of the Board at conferences, events, and meetings with key stakeholders.
- Participate actively in strategic discussions, helping to formulate and refine the Authority's position on key issues, long-term goals and objectives.
- Identify and address potential risks and issues that may affect operations, reputation, or stability.
- Support Board and individual members development.
- Promote and champion collective responsibility across the Board.
- Support and promote a harmonious and productive working environment within the Authority and with Police Scotland.