

Meeting	SPA Audit, Risk and Assurance Committee
Date	16 September 2021
Location	MS Teams
Title of Paper	HMICS SPA Thematic Inspection – Closure Report
Presented By	Lynn Brown, Chief Executive
Recommendation to Members	For consultation
Appendix Attached	Appendix A - HMICS SPA Thematic Recommendations Summary

PURPOSE

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

The paper is presented in line with the corporate governance framework of the Scottish Police Authority (SPA) and Audit, Risk and Assurance Committee (ARAC) terms of reference and is submitted for consultation.

1. BACKGROUND

- 1.1 The HMICS Thematic Inspection of SPA was completed in 2019 with HMICS making a total of fourteen recommendations for the SPA, Police Scotland and the Scottish Government to address.
- 1.2 Progress was previously reported to ARAC in July 2021 at which point ten recommendations were reported as open comprised:
 - six wholly owned by SPA;
 - one wholly owned by Scottish Government; and
 - three relying on input from other parties.
- 1.3 Since the original publication of the report the SPA has been on a significant journey and has transformed itself, addressing a number of complex recommendations.
- 1.4 Since the last update to ARAC the SPA have had constructive dialogue with HMICS to provide the desired evidence to support discharge of the remaining recommendations.
- 1.5 In order to discharge HMICS recommendations, a formal closure process must be followed. This involves a standard template submission which provides evidence to support and show how a recommendation has been addressed. Every response must be considered and agreed by HMICS before a recommendation can be considered 'discharged'.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 Current Status (September 2021)

Rec number	Discharged by HMICS	In progress:		
		Owned by SPA	Owned by SG	Jointly owned by SPA/ PS / SG
1	√			
2			√	
3	√			
4				√
5	√			
6	√			
7		√		
8	√			
9	√			
10	√			
11	√			
12	√			
13	√			
14	√			
Total	11	1	1	1

Full detail of recommendations is included at Appendix A

- 2.2 Following positive engagement with HIMCS, SPA agreed the evidence required to discharge a further eight outstanding recommendations.
- 2.3 *Recommendation 2* is for Scottish Government to discharge and is fully outside of the control and remit of the SPA.
- 2.4 *Recommendation 4* is joint between SPA, PS and Scottish Government (re reserved policing matters). A proposal to address the recommendation has been developed collaboratively across Scottish Government, Police Scotland and the SPA. This has been shared with HMICS and feedback is awaited prior to closure.

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- 2.5 *Recommendation 7* relates to “implementing effective engagement and feedback mechanisms with staff associations and unions”. The SPA has made a number of changes to improve engagement including the creation of the SPA People Committee with formal representation from staff associations and unions. In addition, the SPA has approved its engagement strategy and there has been ongoing SPA officer communication/ meetings with staff associations and unions.
- 2.6 HMICS have recognised improvements in engagement, however, HMICS sought feedback from staff association and unions who felt that further work is still required to improve engagement. Therefore, HMICS are unable to formally discharge this recommendation at this time. The SPA workforce governance team are working with trade unions to understand and address their concerns as a priority. We expect action to be undertaken swiftly, within the next six months, to resolve concerns to the satisfaction of staff associations, unions and HMICS.

3. FINANCIAL IMPLICATIONS

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

4. PERSONNEL IMPLICATIONS

- 4.1 There are no specific personnel implications associated with this paper. Concerns raised by trade unions are being addressed as a priority.

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, except for recommendation 7, the SPA has now reached a conclusion for all recommendations fully within its remit.

Appendix A - HMICS SPA Thematic Recommendations Summary

Ref.	Recommendation	Status	Notes / Evidence
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.	Previously discharged	Previously discharged by HMICS. - new SPA corporate structure is in place.
2	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.	Owned by SG	No action required by SPA.
3	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.	Discharged	<ul style="list-style-type: none"> • Robert Black Report (7th August 2020) • SPA Corporate restructure has been completed, providing better support for the role of the Chair and members as non-executives • Communication issued by CEO to all members emphasising where responsibility lies with tasking staff, i.e. this is CEO responsibility as management • SPA Governance and Accountability Framework, as approved by SG • Recruitment documentation/ information • Info about members Development Day and Induction Sessions, roles and responsibilities were emphasised particularly the role of the Chief Executive and wider SMT, sessions included; <ul style="list-style-type: none"> ○ Introduction to SPA ○ Introduction to Police Scotland ○ Introduction to Forensic Services ○ Employer Responsibilities ○ Legislative Framework ○ Corporate Governance and Standards

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Ref.	Recommendation	Status	Notes / Evidence
			<ul style="list-style-type: none"> ○ Policing Governance and Accountability – Who does what? – Audit Scotland ○ Policing Governance and Accountability – Who does what? – HMICS ○ Policing Governance and Accountability – Who does what? – PIRC ○ Information Management/ Kit set up support <ul style="list-style-type: none"> ● Bespoke committee introductory sessions were also held for members throughout April/ May 21 ● The specific committee sessions covered; <ul style="list-style-type: none"> ○ How the committee operates ○ Meet with the Chief Exec. And other key committee contributors ○ Discuss the process which supports the operation of the committee ○ Information flow ○ How the committee reports to the Authority ○ Examples of matters coming through the committees <p>Acknowledgement from key stakeholders about the improvements that have been made, extracts of comments include;</p> <ul style="list-style-type: none"> ● Audit Scotland - Section 22 Report 2019/20 <i>“There has been stability in the leadership of the Scottish Police Authority and Police Scotland and the Authority has made good progress in developing the capacity of its corporate function. There has also been progress in relation to organisational governance.”</i> ● Audit Scotland – Annual Audit Report 2019/20 <i>“The Scottish Police Authority is responding to work led by the Scottish Government to clarify roles and responsibilities of all the parties involved with policing in Scotland. This should support the Scottish Police Authority in fulfilling the role envisaged by the Police and Fire Reform (Scotland) Act 2012.”</i> ● HMICS - Submission to the Justice Sub Committee <i>“In my 2019-2020 annual report , which was published in October 2020, I made positive comment about the combination of the Vice Chair and the interim Chief Executive bringing stability to the SPA during 2020. A new SPA Chair has been</i>

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			<i>appointed and took up post on 1 February 2021. I am confident that the SPA has made significant improvements since the HMICS thematic review and that this will continue."</i>
4	The Scottish Government, the Scottish Police Authority and Police Scotland should develop a clear system of engagement and governance for reserved policing matters .	Feedback on proposal awaited from HMICS	<ul style="list-style-type: none"> • Agreement on reserved policing matters. • A proposal has been jointly developed and submitted to HMICS for feedback.
5	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 .	Discharged	<ul style="list-style-type: none"> • Arrangement in place for a representative from COSLA to attend the Policing Performance Committee meetings, Cllr Kelly Parry has been nominated by COSLA to attend the meetings • SPA attendance at COSLA Scrutiny Forum twice per year • Tripartite review of Local Police Plans initiated with SPA / COSLA / PS (June 2021) • Dedicated Local Authority engagement plan developed (June 2021)
6	The Scottish Government, the Scottish Police Authority and Police Scotland should review the designation of Accountable Officer(s) within policing.	Discharged	<ul style="list-style-type: none"> • Robert Black report published 7th of August • Governance and Accountability Framework • Work completed on financial regulations • Annual report and accounts
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.	Further Engagement Req'd. following HMICS feedback	<ul style="list-style-type: none"> • Examples of ongoing engagement with staff associations and trade unions • SA/TU attended first meeting of new People Committee in May 2021 in observer capacity in public session, with follow-up private item to discuss reflections and agree rules of engagement with a view to more involved role in Committee going forward. • Key actions for 2021/22 <ul style="list-style-type: none"> ○ Implement SCPOSA forum ○ Ensure areas of agreement/disagreement reflected in SPA Committee/Board template ○ Develop proposals in relation to Diversity Staff Association engagement

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Ref.	Recommendation	Status	Notes / Evidence
			<ul style="list-style-type: none"> ○ Review Stakeholder Rules of Engagement re People Committee ● Within the Chief Exec's update at the Board meeting 26th May 21, included reference to the SPA Engagement Strategy at section 3 of the paper, SPA Chief Executive's Report. ● The SPA Engagement Strategy 2021-2023 is published on the SPA website.
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.	Previously discharged	Previously discharged by HMICS. - new SPA corporate strategy and performance team is in place.
9	The Scottish Police Authority executive team should develop and secure approval from the Board for a new corporate plan .	Previously discharged	Previously discharged by HMICS. - the SPA corporate business plan is in place and approved by the Board.
10	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.	Discharged	<ul style="list-style-type: none"> ● Business Plan monitoring processes ● Approach and tools for Best Value Self-Assessment ● Your Voice – survey output/ linking with continuous improvement ● Bi-monthly Chief Exec team meetings – what is working well, what can be improved and what support is required to make this happen ● Example of Whistleblowing self-assessment shared
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.	Discharged	<ul style="list-style-type: none"> ● The recruitment and training processes for SPA staff to support Board Member scrutiny ● Board Member induction materials emphasising roles and responsibilities ● Board members objectives, they describe the responsibilities on members as the governing and accountable body ● Induction/ Development days for both new and existing Board Members includes information about how through their roles they can effectively hold the police service to account ● Some key documentation; <ul style="list-style-type: none"> ○ SPA excellence framework (February 2020)

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Ref.	Recommendation	Status	Notes / Evidence
			<ul style="list-style-type: none"> ○ Methodology for oversight of change (February 2020) ○ 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 ● Annual report and accounts – includes an SPA assessment on the delivery of policing as described by the CC in the annual police plan ● The SPA 2020 organisational structure, which is now fully implemented, allows for effective holding CC to account, provides sufficient and skilled staff to support Members in their scrutiny role of Police Scotland including the Chief Constable ● Examples can be seen through papers and minutes of the various committees of the Board
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.	Discharged	<p>Arrangements are in place for proactive risk awareness and post-implementation scrutiny for policing policy changes</p> <ul style="list-style-type: none"> ● Annual Business Plan ● SPA approach to the system wide oversight of change approved by the SPA Board in February 2020 ● SPA Excellence Framework approved by the Board February 2020 ● PPC TOR ● Strategic Risk Register approved by the SPA Board February 2020 ● Joint MOU on engagement and communication relating to new strategy, policy or practice in areas of significant public interest
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.	Discharged	<p>Evidence of addressing the recommendation:-</p> <ul style="list-style-type: none"> ● All SPA committees are subject to an annual review of effectiveness ● SPA 2020 roles and responsibilities reflect support provided to FS by SPA corporate ● Governance and Accountability Framework ● SPA Corporate Governance Framework, approved by the Board November 2020 ● ARAC receive Internal Audit reports which encompass reviews of FS

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Ref.	Recommendation	Status	Notes / Evidence
			<ul style="list-style-type: none"> • Decisions relating to FS are considered by both the Resources Committee and the Board. For example:- <ul style="list-style-type: none"> ○ Resources Committee 8th September 20 the Forensic Services 2026 Operating Model Project Initial Business Case was presented ○ Board meeting 24th February 21, SPA Forensic Services Transformational Change presented
14	<p>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.</p>	Discharged	<p>Evidence of addressing the recommendation:-</p> <ul style="list-style-type: none"> • Chief Executive update to SPA Board, August 2020, included presentation of a paper providing information on ICVS particularly highlighting the monitoring in place during COVID • ICVS draft annual review was presented at PPC, August 2020, in the private session to allow members the opportunity to comment and provide feedback before publication • All ICVS annual reviews are publicly available on the SPA website • SPA website includes a dedicated section for promoting ICVS <p>Further planned action:-</p> <ul style="list-style-type: none"> • Management review of ICVS has been designed and will be undertaken in 2021, and at any other appropriate juncture; <ul style="list-style-type: none"> ○ A Terms of Reference has been approved which sets out a plan to undertake a management review of ICVS ○ The purpose of the review is to ensure that the work of the volunteers has the appropriate focus and as far as possible has maximum impact and ensure that the ICVS has the appropriate governance, quality of data, criteria/thresholds for recommendations, processes (Human Resources, Legal and otherwise), and that the appropriate documentation/handbook/framework is in place ○ This review will lead to the production of an improvement plan (Autumn 2021)