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| Meeting | Authority Meeting |
| Date | 24 August 2023 |
| Location | COSLA, Edinburgh |
| Title of Paper | SPA Governance Review |
| Presented By | Lynn Brown, CEO |
| Recommendation to Members | For Approval |
| Appendices Attached | Yes Appendix A - Standing Orders Appendix B - Committee Terms of Reference Appendix C - Matters Reserved for the Board Appendix D - Financial Regulations Appendix E - Scheme of Delegation |

The paper provides detail of the work undertaken to review the Authority's Corporate Governance Framework.

Recommendations support more effective and efficient governance processes with updates being proposed to the Authority's:

- Standing Orders
- Committee Terms of Reference
- Matters Reserved for the Board
- Financial Regulations
- Scheme of Delegation

This paper is submitted for Members' approval.

1 GOVERNANCE REVIEW PROCESS

1.1 The Corporate Governance Framework of the Scottish Police Authority is made up of a suite of documents which currently comprise:

- Scottish Government's Governance and Accountability Framework Document of the Scottish Police Authority
- SPA Standing Orders
- Committee Terms of Reference
- Matters Reserved for Board
- The Authority's Financial Regulations
- SPA Scheme of Delegation

1.2 The Authority's Corporate Governance Framework was last reviewed in March 2022, with further amendments made to the Financial Regulations approved in August 2022. The Authority is committed to regular review of its Governance arrangements. The process for 2022/23 has taken account of -

- Findings from 2022/23 Annual Review of Committee Effectiveness, which focused on Transparency; understanding and expectations of corporate staff and members; and improving business co-ordination.
- Findings from the HMICS review of SPA Forensic Services Toxicology Provision, published in April 2023
- The need for some corrections and clarifications, including the revised Financial Regulations following implementation August 2022.

1.3 Overall, the review process has concluded that the Corporate Governance Framework remains effective and is working well, but some changes to standing orders and committee terms of reference are appropriate for ongoing improvement and in response to changing circumstances. The recommended updates are summarised below with updates and deletions clearly highlighted in the attached appendices.

2 UPDATES TO THE STANDING ORDERS

2.1 The Authority is obliged to set out any circumstances in which an agenda, papers and reports may not be published. Paragraphs 20 and 21 of the Standing Orders are therefore amended, to set out explicitly any circumstances in which Authority papers and reports

may not be published; and to explicitly set out that agendas may not be published only where to do so would be prejudicial to national security. In addition, parties presenting an item who wish it to be considered in private session, are to make representations to the chair of the meeting setting out why, making reference to the applicable circumstances detailed in Standing Order 20.

2.2 A new paragraph makes it explicit that Committees and/or Sub-Committees may refer matters to another Committee/Sub-Committee for its consideration.

3 UPDATES TO COMMITTEE TERMS OF REFERENCE

Wording has been updated where required, to clearly distinguish between committee membership (Authority Members) and committee attendees.

3.1 Audit Risk and Assurance Committee

Terms of reference are amended to reflect regular attendance by a representative from Forensic Services.

3.2 Complaints and Conduct Committee

Terms of reference are amended throughout, in line with the revised Complaints Handling Procedures approved by the Complaints and Conduct Committee March 2023.

The purpose of the Committee is updated such that –

“The purpose of the Complaints and Conduct Committee is to monitor, oversee and scrutinise: the handling by the Authority and Police Scotland of “relevant” complaints as defined in legislation; and Police Scotland’s arrangements for handling misconduct allegations against constables; and to perform certain functions and make decisions on behalf of the Authority under the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 (“the 2013 Regulations”) and other applicable regulations.”

Revised procedures introduce a change to the decision-making process for complaints about SPA corporate staff below Director-level whereby complaints will be determined by the SPA Chief Executive, rather than by the Complaints and Conduct Committee. This is in line with current practice in SPA Forensic Services, and in

Police Scotland for complaints about officers below Senior Officer level. Textual changes refer to “relevant” complaints, and provide additional clarity.

“Consider reports from Police Scotland on its handling of misconduct allegations under the Police Service of Scotland (Conduct) Regulations 2014, with a view to ensuring that arrangements for handling these allegations are efficient and effective” is added to the Terms of Reference.

3.3 Exceptional Circumstances Committee – no changes are proposed.

3.4 Forensic Services Committee

The Terms of Reference are modified to focus the work of the Committee on Forensic Services Performance, mirroring the approach of the Policing Performance Committee to policing performance.

Delivery against the Memorandum of Understanding is mainstreamed into Performance Reporting.

Terms of Reference now make specific reference to seeking assurance that effective operational and strategic partnerships are in place. This assurance may be requested from Forensic Services and partners individually, or through partnership structures.

Proposed additions:

“Review the performance of Forensic Services, using the performance framework. In particular, review quarterly and annual performance reports and progress in the achievement of objectives and outcomes, ahead of consideration by the Board.”

“Seek assurance that effective operational and strategic partnership arrangements are in place.”

“Support the development of, and approve, the Forensic Services performance framework, ensuring that it is aligned with strategic objectives, statutory requirements and ethical standards; that it develops best practice in measuring and reporting the achievement

of outcomes; that it is based on robust and meaningful data; and that it takes account of statutory obligations and commitments set out in the Memorandum of Understanding.”

“Oversee the implementation of performance improvement recommendations made in relation to Forensic Services by scrutiny/inspections bodies, audit reports, or the Authority.”

“In addition to the Chair and the Chief Executive, Police Scotland, the Crown Office and Procurator Fiscal Service and the Police Investigations and Review Commissioner have a standing invitation to attend meetings and actively participate in the Committee’s discussions.”

Proposed deletions

“Seek assurance that Forensic Services has appropriate risk and financial management controls in place”. This responsibility would transfer to Audit Risk and Assurance Committee.

“Seek assurance that the Authority’s statutory obligations as a service provider are being appropriately discharged, in particular Authority’s duties in relation to the health, safety, wellbeing and equalities.” This responsibility would transfer to the People Committee.

3.5 **Legal Committee**

There are clarifications to text and in numbering.

Deletions

- (i) to hear, or appoint a panel of its members to hear, appeals against dismissal, from Authority and Police Scotland staff, in relation to disciplinary, and capability (attendance and performance) matters.

This is now included the DRAFT Scheme of Delegation, with the Chief Executive Authorised to appoint a panel of Members to hear appeals against dismissal.

- (ii) to determine applications from police officers for ill

health retirement and Injury on Duty awards
This responsibility transfers to the People Committee.

- (iii) to make decisions on pension forfeiture, applying underpayments to injury on duty awards and granting retrospective injury on duty awards

These responsibilities transfer to the People Committee.

References to “and review the arrangements in place for the handling of these matters” (referring to the handling of legal actions, claims and appeals) is removed, as this is out with the scope of responsibility / power of the Committee.

3.6 People Committee

Additions:

“The Committee will make decisions in relation to applications for ill health retirement, and injury on duty awards; and pension forfeiture. The Committee will also decide the process for appointment to the ranks of Chief Constable, Deputy Chief Constable and Assistant Chief Constable and to Director level roles within the Authority/Police Scotland (including temporary appointments).”

- (i) Determine applications from police officers for ill health retirement and injury on duty awards, and seek assurance that effective processes are in place for the administration of applications for ill health retirement and injury on duty awards.
- (ii) Make decisions in relation to:
 - pension forfeiture in accordance with the relevant regulations;
 - the application of underpayments to injury on duty awards to recover sums overpaid to former police officers in receipt of injury on duty awards;
 - granting retrospective injury on duty awards to former police officers; and

- to seek the agreement of the Scottish Public Pensions Agency to those decisions

3.7 Policing Performance Committee

Additions:

Approval of the Policing Performance Framework is proposed as a new delegation to the Committee.

3.8 Resources Committee

Text is updated throughout to align with terminology used in the updated Financial Regulations.

4 UPDATES TO THE FINANCIAL REGULATIONS

Key changes:

- Appendix A / 2. The **internal** Police Scotland and Authority schemes of financial delegation. This is proposed to change from Board approval to Accountable Officer approval, on the basis that the Board already approves the pre-approval limits within the financial regulations. Decisions on internal allocation within these parameters and pre-approved limits can therefore be made by the Accountable Officer.
- 16.1. Termination of expenditure contracts. Table 16.1 provides provision for this scenario which says that if there is a requirement for a decision to terminate a contract, approval is sought from the governance forum that originally approved the contract award.
- Exempt procurement. A brief note is added, related to the process for exempt procurements in line with contract legislation (see para 8.2.3 of the Framework).

In addition, a range of minor updates, corrections and clarifications are proposed, set out in Appendix A of the Authority's Financial Regulations.

5 UPDATES TO MATTERS RESERVED FOR THE BOARD

Approval of the Police Scotland Performance Framework is removed.

6 UPDATES TO SCHEME OF DELEGATION

Appointment of Members to Appeals Against Dismissal Panel.

Provision is included such that the Chief Executive is authorised to appoint three Authority Members to hear and determine, appeals against dismissal from Authority and Police Scotland staff, in accordance with the Disciplinary, and the Capability (Attendance and Performance), procedures. To ensure the appeals are dealt with expeditiously Members will be appointed to the Panel on a case-by-case basis, determined by their availability to hear the appeal.

7 FINANCIAL IMPLICATIONS

7.1. There are/ are no financial implications in this report.

8 PERSONNEL IMPLICATIONS

8.1. There are no personnel implications in this report.

9 LEGAL IMPLICATIONS

9.1. There are ~~no~~ legal implications in this report.

The inclusion of the circumstances in which agendas, papers and reports need not be published, has been added to the standing orders to comply with paragraph 11(5)(b) of Schedule 1, Part 1 of the Police and Fire Reform (Scotland) Act 2012.

10 REPUTATIONAL IMPLICATIONS

10.1. There are reputational implications in this report.

11 SOCIAL IMPLICATIONS

11.1. There are no social implications in this report.

12 COMMUNITY IMPACT

12.1. There are no community implications in this report.

13 EQUALITIES IMPLICATIONS

13.1. There are equality implications in this report. The review promotes access to information on the work of policing and the Authority by reinforcing transparency arrangements for board and committee papers.

14 ENVIRONMENT IMPLICATIONS

14.1. There are/ are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to approve amendments to

Appendix A - Standing Orders

Appendix B - Committee Terms of Reference

Appendix C - Matters Reserved for the Board

Appendix D - Financial Regulations

Appendix E - Scheme of Delegation

Annex A: Standing Orders

Introduction

- 1 The status and constitution of the Scottish Police Authority (the Authority) are set out in schedule 1 to the Police and Fire Reform (Scotland) Act 2012 (the Act). Paragraph 10 of the schedule empowers the Authority to regulate its own procedure and that of its committees and sub-committees. These Standing Orders are accordingly made.
- 2 The Authority consists of up to 15 members. Schedule 1 to the Act provides that the Scottish Ministers will appoint the chairing member and between 10 and 14 other members of the Authority. The members may elect from their number a member to act as deputy to the chairing member.
- 3 The Authority members are expected at all times to act in accordance with the principles set out in the Code of Conduct. The key principles which inform the Code are: duty; selflessness; integrity; objectivity; accountability and stewardship; openness; honesty; leadership and respect.

Annex A: Standing Orders

Interpretation

4 Throughout these Standing Orders, the following terms have the meaning set against them:

| Term | Meaning |
|--------------------------|--|
| Act | The Police and Fire Reform (Scotland) Act 2012 |
| Board | The members of the Authority appointed by the Scottish Ministers in terms of the Act |
| Chair/Chair of the Board | The chairing member appointed by the Scottish Ministers under paragraph 2(1) of the Schedule |
| Chief Executive | The Chief Executive employed by the Authority or any person appointed or authorised by the Authority to perform the functions of the Chief Executive |
| Code of Conduct | The Code of Conduct for members of the Authority developed in accordance with the Ethical Standards in Public Life Etc. (Scotland) Act 2000 |
| Committee | A committee of the Authority established by the Board under paragraph 9(1) of the schedule |
| Days | Calendar days, except where stated otherwise |
| Member | A member of the Authority appointed by the Scottish Ministers under paragraph 2(1)(b) of the Schedule |
| Schedule | Schedule 1 to the Act |
| Sub-Committee | A sub-committee established by a committee under paragraph 9(2) of the schedule |
| Vice Chair | The deputy to the chairing member elected under paragraph 2(4) of the schedule |
| Website | The website of the Authority at www.spa.police.uk |

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Ordinary Meetings

- 5 Prior to the beginning of each calendar year, a provisional schedule of ordinary meetings of the Board, its Committees and any Sub-Committees for that calendar year shall be approved by the Board and published on the website.
- 6 Committees and Sub-Committees will establish co-ordinated and proactive forward looking work plans for the year, agreed by the Board, and which distinguish between standing, cyclical and ad-hoc items.
7. The Chair or, in their absence, the Vice Chair, may alter the time and/or place of any particular Board meeting and may convene such additional meetings as may be deemed necessary for the due fulfilment of Authority functions.
8. The chair of a Committee or Sub-Committee or, in their absence another Member of the Committee or Sub-Committee may alter the time and/or place of any particular Committee or Sub-Committee and may convene such additional meetings as may be deemed necessary for the due fulfilment of the Authority functions delegated to that Committee or Sub-Committee.

Special Meetings

- 9 Where there is business that is urgent and cannot await the next ordinary meeting of the Board, or of a Committee or Sub-Committee, a special meeting may be called by the chair of the Board or of that Committee or Sub-Committee, or as a result of a written request made to the chair of the Board or of that Committee or Sub-Committee, signed by a majority of Members of the Board or Committee or Sub-Committee, as appropriate, specifying the nature of the business that they wish to discuss at such a meeting.
- 10 Notice of a special meetings shall be given in the same way as notice for ordinary meetings unless the chair of the meeting determines that the nature of the urgency requires the meeting to be held at shorter notice than otherwise required in these Standing Orders.
- 11 Where it is not practicable to convene a special meeting in a public venue or by video/teleconference, then the matter may be dealt with by correspondence. In these circumstances, relevant papers setting out the matter for decision will be provided to Members by email or by post. The papers will be of a standard expected for submission to a formal meeting and will set a deadline for submission of Members' views. The matter will be decided in accordance with the consensus of responses received by the deadline, subject to responses being received from a quorum of the Board, Committee or Sub-Committee, as appropriate. In the event that it is not possible to reach consensus then the matter will be brought to the next meeting of the Board, Committee or Sub-Committee, as appropriate.

Exceptional Circumstances

- 12 In exceptional circumstances where there is urgent business of the Board or a Committee or Sub-Committee and it is not practicable for an ordinary meeting

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or a special meeting to be convened the Exceptional Circumstances Committee may deal with the urgent business.

Chair

- 13 The Chair will, if present, chair all meetings of the Board. In the absence of the Chair, the Vice Chair will preside. In the absence of both the Chair and Vice Chair, the Members present will choose one of their number to preside by a majority vote of those present. Any power or duty assigned to the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- 14 Business at meetings shall be conducted through the chair of that meeting who will ensure that all members and invited attendees receive sufficient opportunity to express their views on matters under discussion. The Chair shall promote a culture of openness and debate by facilitating effective contribution, including constructive challenge.

Attendance at Board Meetings

- 15 In circumstances where the meeting is held in a public venue participation will normally be in person but, with the agreement of the Chair, individual Members may participate by telephone, conference call, or video-conference. In such circumstances, the Member(s) would be deemed to be present and to constitute part of the quorum for the purposes of that meeting. In all circumstances, the Chair will have the final authority and consent will be dependent on the availability of appropriate technology at the meeting location.
- 16 If a Member, without reasonable excuse or leave of the Chair, has been absent from meetings of the Board for a period longer than 4 consecutive months or for 3 consecutive meetings of the Board, the Chair will advise the relevant Minister.

Quorum

- 17 The quorum for Board meetings shall be a majority of current Members. No formal business shall be transacted at any meeting of the Board unless a quorum is present. A quorum must exist throughout the meeting. If, at any stage during the meeting, a quorum is not present the meeting shall stand adjourned until a date and time the Chair determines.
- 18 The quorum of any Committee or Sub-Committee shall be contained within its Terms of Reference.

Attendance of the Public and Press

- 19 All meetings of the Board, its Committees and Sub-Committees are open to be observed by members of the public and media and will be held in a public venue or by way of video/teleconference, with the exception of meetings or parts of meetings where business is to be conducted in private.

20 Circumstances in which meetings may be held in private, and papers and reports need not be published include where:

- a) information relating to identified or identifiable individuals (including members of staff) could be disclosed where there is a risk of a breach of data protection legislation.
- b) public discussion of the information may prejudice any police operation or the prosecution of offenders.
- c) disclosure of information could prejudice national security.
- d) matters to be discussed are the subject of legal proceedings (including misconduct or disciplinary proceedings) or where the information to be discussed consists of or includes legal advice provided to the Authority or to a third party.
- e) an obligation of confidentiality exists in respect of the information to be discussed.
- f) confidential commercial or financial information not already in the public domain could be disclosed.
- g) proposals for significant organisational change, significant changes to the terms and conditions of staff or other sensitive matters are being considered.
- h) discussion in public would be likely to inhibit the free and frank provision of advice or the free and frank exchange of views for the purpose of deliberation.
- i) other, exceptional circumstances exist that would justify considering the matter in private, such circumstances to be agreed by the Board and included in the minute of the meeting.

21 Agendas may not be published only in circumstances where 20 c (above) applies, such that disclosure of information could prejudice national security.

22 In relation to meetings the chair of that meeting shall make a preliminary assessment of items that are likely to be considered in private for the purpose of issuing the agenda and determining those papers which require to be published in advance of the meeting. Parties presenting an item which they are of the view should be considered in private should make representations to the chair of the meeting setting out their reasons for reaching that view, [making reference to the applicable circumstances detailed in Standing Order 20](#), in order that the chair may have regard to this when making their preliminary assessment. Reasons for considering items in private will be noted on the agenda and recorded in the minute of the meeting. The Members at the meeting will have the final decision in relation to which items are to be considered in private.

23 If all or part of a meeting is to be held in private, any members of the public or media then present will be asked to leave the meeting.

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- 24 A member of the public or media who disrupts the business of the meeting may be asked to leave the meeting after due warning has been given. Re-admission to that or other public meetings held by the Board, Committee or Sub-Committee shall be at the discretion of the chair of the meeting.

Meeting Attendees

- 25 The Chief Executive has a standing invitation to attend meetings of the Board, Committees and Sub-Committees. Authority staff may also be required to attend meetings to provide advice.
- 26 The chief constable or his/her representative may be required to attend meetings of the Board, Committees and Sub-Committees to provide such reports, statistics or other information relating to the Police Service, police functions or the state of crime as the Authority may reasonably require, in accordance with section 84(3) of the Act.
- 27 The chair of the Board, Committees or Sub-Committees may invite individuals, bodies or organisations to attend meetings, provide information and/or to make representations to it about particular issues. The Board, Committees and Sub-committees may also invite individuals, bodies or organisations to provide it with written submissions for consideration in advance of meetings. The Board, Committee or Sub-Committee may, from time to time, agree upon and publish a process for seeking input and/or information (including the format and timescales for this input or information to be provided) from interested and/or affected parties in advance of it considering particular issues at a meeting.

Notice of Meetings

- 28 Notice of ordinary meetings will be advertised on the Website. The notice will be advertised at least 7 calendar days before the meeting and shall include the date, time, venue and items of business to be considered at the meeting.

Agenda for Meetings and Order of Business

- 29 The agenda for a meeting shall be agreed by the chair of the Board, Committee or Sub-Committee at least 21 days in advance of the meeting. In doing so, the respective chairs shall endeavour to ensure that adequate time will be available for discussion of all agenda items, particularly strategic issues.
- 30 The agenda will be circulated to Members by electronic means at least 7 days prior to the meeting, and will be published on the website subject to Standing Order 21. If requested, paper copies can be made available.
- 31 The business of the Board, Committee or Sub-Committee, at all meetings will proceed in accordance with the agenda issued for that meeting unless otherwise directed by the chair of that meeting. No business other than that on the agenda will be considered except where, by reason of special circumstances which shall be recorded in the minute, the chair is of the opinion that the item should be considered at the meeting.

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Giving Notice of a Matter to be Considered

- 32 Any Member(s) of the Board, Committee or Sub-Committee, may ask for an item to be placed on the agenda of a meeting of the Board or that Committee or Sub-Committee. This to be done at least 21 days in advance of the meeting. The chair of the meeting will consider the request, taking advice from the Chief Executive and appropriate Authority officers as appropriate. If the chair decides not to include the item on the agenda, the Member will be advised and the Board or relevant Committee or Sub-Committee informed during the chair's opening remarks.
- 33 The agenda for special meetings will be confined to the business necessitating the convening of the meeting.

Papers for Meetings

- 34 The Authority officer supporting the Board, Committee or Sub-Committee will provide papers for all agenda items at a meeting unless it has been agreed in advance with the chair of the meeting that an oral presentation may be made.
- 35 Final papers for meetings must be submitted to the officer supporting the Board, Committee or Sub-Committee 10 days prior to the meeting and must be of a high standard. Any request for further information or reports made by the chair of the meeting must be adhered to.
- 36 Papers will be delivered to Members by electronic means at least 7 days prior to the meeting. If requested, paper copies can be made available.
- 37 For meetings or parts of meetings open to the public, papers will be posted on the website at least 3 days prior to the meeting subject to Standing Order 21.
- 38 If papers are not of the standard required for the meeting or are unavailable for dispatch 7 days prior to the meeting, the officer supporting the Board, Committee or Sub-Committee may, after consultation with the chair of the meeting and the Chief Executive or appropriate officer, make a late posting, or table the (revised) paper(s) at the meeting, or withdraw the item(s) from the agenda of the meeting.

Conduct at Meetings

- 39 The chair is responsible for:
- maintaining order and good conduct at meetings;
 - ensuring that business is conducted appropriately;
 - ensuring that all members are given a reasonable opportunity to express their views on matters under discussion; and
 - dealing with any question of order raised at a meeting.
- 40 All members and invited attendees shall respect and, if necessary, defer to the authority of the chair. Members are accountable for their own individual conduct in meetings in terms of the Code of Conduct and any associated guidance. The chair may rule on the acceptability of behaviour during the course of the

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meeting and take appropriate action as necessary, including withdrawal of a remark, requiring an apology, or any other action required to allow the meeting to properly proceed. If any member or invited attendee at a meeting continues to behave offensively or is unco-operative, a proposal may be made to suspend that person for the rest of the meeting and if that proposal is supported by the majority of Members in attendance that person must immediately leave the meeting.

Adjourning Meetings

- 41 Meetings may be adjourned for a reasonable time if the chair determines so, or a majority of Members present are in favour of an adjournment.

Voting

- 42 Where there is an agenda item requiring a decision by the Board, Committee or Sub-Committee the chair will seek the views of Members and, wherever possible, reach a consensus. If a consensus cannot be reached or if the chair views the matter as sufficiently important to record the collective view of the Members, a vote will be taken. Decisions will be reached on the basis of a simple majority, the chair having a second and casting vote. Voting shall be by a show of hands and the minute will record the vote. At the discretion of the chair, or in the event of a majority of Members present requesting it, the vote will be taken by roll call.
- 43 No decision of the Board, a Committee or Sub-Committee may be reconsidered within 6 months of the date of making the previous decision, except where:
- i. required by law;
 - ii. the original decision cannot be implemented due to reasons out with the control of the Authority, or
 - iii. there has been a material change in circumstances.

Declarations of Interest

- 44 In line with the requirements of the Code of Conduct, individual Members must consider at the earliest stage possible whether they have an interest to declare in relation to any matter that is to be considered. They should consider whether agenda items for meetings raise any issue of declaration of interest. A declaration of interest must be made as soon as practicable at a meeting where that interest arises. If the need for a declaration of interest is identified only when a particular matter is being discussed the Member must declare the interest as soon as they realise it is necessary to do so. The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of the interest but need not give a detailed description of it.
- 45 Declaring a financial interest has the effect of prohibiting any participation in

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discussion and voting, and the Member should leave the meeting room until discussion of the particular item is concluded. A declaration of a non-financial interest involves a further exercise of judgement by the Member concerned. They must consider the relationship between the interests that have been declared and the particular matter to be considered and relevant individual circumstances surrounding the particular matter. In the final analysis the objective test is whether, in the particular circumstances of the item of business, and knowing all the relevant facts, a member of the public, acting reasonably, would consider that the Member might be influenced by the interest in their role as a Member of the Authority and that it would therefore be wrong to take part in any discussion or decision-making. If a Member, in conscience, believes that their continued presence would not fall foul of this test, then declaring a non-financial interest need not preclude their involvement in discussion or voting. If they are not confident about whether or not the objective test is satisfied, they should play no part in the discussion and should leave the meeting room until discussion of the particular item is concluded.

Action Logs

- 46 A rolling action log will be kept for the Board, and all Committees and Sub-Committees.
- 47 A draft rolling action log will be made available to the meeting chair no later than 5 days after each meeting, and circulated to the action owners.
- 48 The draft rolling action log will be presented to the next ensuing meeting of the Board/Committee/Sub-Committee together with the minutes, for approval

Minutes of Meetings

- 49 A minutes or record will be kept of all Board, Committee and Sub-Committee meetings.
- 50 The minute/record will record Members present, others in attendance, any apologies for absence and Members or others joining or leaving the meeting.
- 51 The minute/record will also record the essence of the Board/Committee/Sub-Committee's discussion in relation to each agenda item and clear action points arising from the Board/Committee/Sub-Committee's decisions including timelines and responsibility. For ease of reference, minutes will be read in conjunction with the agenda and papers for the meeting which will be referenced where appropriate in the minute.
- 52 Draft minutes/record will be available to the chair of the Board/Committee/Sub-Committee no later than 14 days after the meeting.
- 53 The minutes/record of the Board, Committee or Sub-Committee will be presented to the next ensuing meeting of the Board, Committee or Sub-Committee as appropriate, and shall then be approved with or without amendment as a correct record of proceedings.
- 54 Once approved, the minute/record of the meeting will be signed by the chair of the meeting and retained in the central record of all approved minutes of meetings.

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- 55 Minutes/records of meetings of Committees and Sub-Committees may be included on the agenda of Board meetings, even if they have not been approved by the Committee or Sub-Committee.

Committees and Sub-Committees

- 56 The Board may establish Committees to:
- assist and advise it in relation to the performance of any of the Authority's functions as may be determined by the Board from time to time; or
 - perform such functions as may be delegated from time to time.
- 57 A Committee shall consist of a chair and such other Members as the Board shall determine.
- 58 In appointing Members to a Committee, the Board shall have regard to the following principles:
- the membership shall reflect the range of qualifications and experience necessary for the proper and effective performance of the functions of the Committee
 - the Committee overseeing the audit function shall be denoted as a governance rather than a business Committee.
- 59 The Chair may appoint a substitute Member to a Committee or a Sub-Committee if an ordinary Member of that Committee or Sub-Committee is unable to attend for the whole of the meeting. The substitute Member will have all the powers and duties of any ordinary Member of the Committee or Sub-Committee.
- 60 Committees shall be related to the functions of the Authority. In setting Committee terms of reference, the Board will have regard to the following principles:
- the Board may delegate to its Committees such of the Authority's functions as it considers appropriate, subject to such limitations as may be prescribed by the Board and with such terms of reference and powers as it may determine.
 - Committees will have defined terms of reference which will be reviewed as necessary but at least every two years.
 - care shall be taken to ensure that the terms of reference and working methods of Committees add value to the Board's work and not layers.
 - at a minimum, the terms of reference should include the following details:
 - membership and quorum
 - remit
 - extent of decision-making delegated to the Committee, if

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any.

- Committee members should be mindful of the role of the Executive by not undertaking work appropriate to the Executive.
- Committee chairs should liaise with the Chief Executive in order to take account of the Executive's capacity to support the committee, in particular if the work they are proposing extends beyond the Authority's priorities or strategic and business plans.

- 61 The Board shall establish a Committee to oversee the audit function. That Committee will give an independent view in relation to risk management, governance and internal control. While the committee will consider issues relating to risk management, governance and internal control, the Board will maintain responsibility for and make the final decision on all of these areas.
- 62 Committees may establish Sub-Committees to assist and advise them in undertaking their responsibilities, subject to prior consultation with the Chair.
- 63 Any such Sub-Committee will have its membership and terms of reference determined by the parent committee and may include authority to co-opt members.
- 64 The Chair has a standing invitation to attend meetings of Committees and Sub-Committees. Any other Board Member may attend after consultation with the Committee chair, but will not form part of the Committee.
- 65 All decisions made at Committee or Sub-Committee meetings must be made by Board Members who are Members, or substitute Members of that Committee or Sub-Committee.
- 66 A summary report will be provided to the Chair by the Committee or Sub-Committee chair after each Committee or Sub-Committee meeting.
- 67 An assurance report will be provided to the Chair by the Committee or Sub-Committee chair as part of the Annual Report and Accounts process.
- 68 Committees and/or Sub-Committees may have joint meetings to discuss matters which falls within each of the Committee or Sub-Committees remit. Each Committee and Sub-Committee at the joint meeting must be quorate. Members of the Committees and/or Sub-Committees present at the meeting will chose one of their number to chair the meeting.
- 69 Committees and/or Sub-Committees may highlight relevant business to another Committee/Sub-Committee where consideration by the other Committee/Sub-Committee may add value.

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Working Groups and Oversight Groups

- 70 Short life, officer led working groups and member led oversight groups may be convened by the Board or a Committee for specific purposes. Such groups will have terms of reference, a clear remit and reporting structure and be time limited.

Co-Option of Members to Committees and Sub-Committees

- 71 Paragraph 9 of Schedule 1 to the Act allows for members of a Committee or Sub-Committee to include persons who are not Members of the Authority, but such persons are not entitled to vote at meetings.
- 72 Co-opted members are appointed at the discretion of the Committee or Sub-Committee Members. In deciding whether it is appropriate to co-opt a member to the Committee or Sub-Committee consideration must be given by the Authority Members to what expertise is required by the Committee or Sub-Committee to allow it to fulfil its remit, and thereafter agree the specification of the skills and experience being sought through co-option.
- 73 Upon decision of the Committee or Sub-Committee that co-opted members shall be appointed, nominations for experts having the required skill set shall be invited. Nominations are to be accompanied by a recommendation specifying the nominee's competence and a detailed CV to support the expertise required. Nominees for co-opted membership may be invited to present themselves to the Committee or Sub-Committee in advance of the Committee or Sub-Committee making an appointment. The Committee or Sub-Committee chair shall seek approval from the Board for appointment of the co-opted member.
- 74 The position will be subject to a vetting process which may include both security and disclosure checks.
- 75 Co-option is intended to provide specific skills for a fixed term as determined by the Board, up to a maximum period of 2 years. On ceasing to be a member, a person is eligible for reappointment.
- 76 A co-opted member may terminate their membership by giving one month's written notice to the Committee or Sub-Committee chair.
- 77 Co-opted members will be required to follow the SPA Code of Conduct for Board members, and the associated disclosure requirements, and their appointment may be terminated by the Committee or Sub-Committee chair, subject to the approval of the Board.
- 78 The co-opted member shall attend an induction briefing prior to attending their first Committee or Sub-Committee meeting.
- 79 Travel and any reasonable subsistence expenses incurred while fulfilling the duties of a co-opted member will be reimbursed.

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Procedure for Attendance at Committee and Sub-Committee Meetings: Authority Members

- 80 If a Member fails to attend 3 consecutive meetings of any Committee, or 50% of the meetings in any 2 year period, and has not been given leave by the Committee chair, the Committee chair will advise the Board. The Board may remove the Member from the Committee.

Chief Executive

- 81 The Chief Executive is the principal advisor to the Board on the discharge of its functions.
- 82 The Chief Executive shall ensure that the work of the Board and its Committees and Sub-Committees is supported by appropriate Authority officers.

Disclosure of Information

- 83 Members will be responsible for the safe custody of any papers or documents that may be issued or entrusted to them in the course of their duties. The loss of any such documents should be reported immediately to the Chief Executive.
- 84 Members are required to comply with the confidentiality provisions of the Code of Conduct and any other procedures and protocols around the management, retention, processing and disclosure of information as may be issued by the Chief Executive.

Interpretation

- 85 The Chair's ruling on any question relating to the interpretation of these Standing Orders shall be final.

Revocation and Revision of Standing Orders

- 86 No Standing Order adopted by the Board shall be suspended at any meeting except on the agreement of a majority of the Authority Members.
- 87 Committees and Sub-Committees have no power to depart from these Standing Orders
- 88 The current Standing Orders shall remain in force until varied or revoked and additional Standing Orders adopted at a meeting of the Board with the agreement of the majority of Authority Members present.
- 89 The Chief Executive may submit to the Board a note of any new Standing Order or alteration of any existing Standing Order which seem to him or her to be required to ensure the effective operation of the Board. Such a proposal shall be considered and decided upon by the Board.
- 90 The Board will undertake a periodic review of Standing Orders to ensure that they remain fit for purpose.

Annex B: Committee Terms of Reference

Audit, Risk and Assurance Committee

Purpose and Scope

1. The overall purpose of the Audit, Risk and Assurance Committee (the ARAC) is to provide oversight and scrutiny of all significant audit and risk matters concerning the Authority and Police Scotland. The ARAC will seek evidence and provide advice and assurance to the Board that the appropriate levels of internal controls are in place across both Police Scotland and the Authority. In addition, the ARAC will provide advice and assurance to the Accountable Officer and Board on these matters and any other specific items which the Board requests of it in relation to audit, risk management and assurance and the integrity of annual reports and financial statements. The ARAC will also consider and approve the Authority's Internal Audit Plan on behalf of the Board.
2. Meetings will be used to consider:
 - (i) the strategic processes for risk, control and governance
 - (ii) the accounting policies, the accounts and the annual report of the organisation, including the process for review of the accounts prior to submission for audit, levels of error identified, and management's letter of representation to the external auditors
 - (iii) the planned activity and results of both internal and external audit
 - (iv) approval of the Authority's Internal Audit Plan
 - (v) the adequacy of management response to issues identified by audit activity, including external audit's management letter/report, and to issues identified by other external bodies such as HMICS and ICO;
 - (vi) the effectiveness of the internal control environment;

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- (vii) assurances relating to the effectiveness of the corporate governance arrangements for the organisation
 - (viii) proposals for tendering for internal audit services or for purchase of non-audit services from contractors who provide audit services; and
 - (ix) anti-fraud policies, whistle-blowing processes, and arrangements for special investigations
 - (x) such other matters as required by the Board
 - (xi) and to advise the Board and the Accountable Officer on these matters.
3. In addition the ARAC will provide the Board and Accountable Officer with an Annual Report, timed to support finalisation of the accounts and the governance statement, summarising its conclusions from the work it has done during the year.
4. The ARAC will also periodically review its own effectiveness and report the results of that review to the Board and Accountable Officer.

Specialist Advice

5. The ARAC may procure specialist ad-hoc advice at the expense of the organisation, subject to budgets agreed by the Board or Accountable Officer.

Membership and Attendees

6. The Committee will consist of a minimum of three **Authority** members including the chair ("the Committee Chair").
7. The quorum of the Committee will be two Members including the Committee Chair.

Attendees

8. Committee meetings will normally be attended by the Accountable Officer, the Finance Director, the Head of Internal Audit, a representative of External Audit and at least one senior representative of Police Scotland. **A senior representative from Forensic Services will attend as required.**

Access

9. The Head or representative of Internal Audit and the representative of External Audit will have free and confidential access to the chair of the ARAC.

Meetings

10. The procedures for meetings are:
- (i) the ARAC will meet at least four times a year. The chair of the ARAC may convene additional meetings, as they deem ~~necessary~~

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- (ii) the Board or Accountable Officer may ask the ARAC to convene further meetings to discuss particular issues on which they want the committee's advice.

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Complaints and Conduct Committee

Purpose and Scope

1. ~~The purpose of the Complaints and Conduct Committee is to provide assurance that the Authority has suitable arrangements for the handling of complaints about the SPA, its staff and senior officers of Police Scotland; to monitor the handling of complaints by the Chief Constable; and to perform certain functions and make decisions on behalf of the Authority under the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 ("the 2013 Regulations") or, where applicable, the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999 ("the 1999 Regulations").~~

The purpose of the Complaints and Conduct Committee is to monitor, oversee and scrutinise: the handling by the Authority and Police Scotland of "relevant" complaints as defined in legislation; and Police Scotland's arrangements for handling misconduct allegations against constables; and to perform certain functions and make decisions on behalf of the Authority under the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 ("the 2013 Regulations") and other applicable regulations.

2. Meetings will be used to:
- (i) Consider and approve arrangements, including policies and procedures and guidance, relating to the handling of **relevant** complaints by the Authority, seeking the views of other stakeholders as necessary.
 - (ii) Consider and determine **relevant** complaints against the Authority, its staff and senior officers of Police Scotland in accordance with the **the SPA Complaints Handling Procedures**, provisions of the Police Public Order and Criminal Justice (Scotland) Act 2006 and the statutory guidance produced by the Police Investigations and Review Commissioner (PIRC).
 - (iii) Monitor the handling of relevant complaints by the Authority and Police Scotland, seeking information on themes or trends as appropriate, with a view to the Committee satisfying itself that the arrangements maintained by the Authority and Police Scotland for the handling of relevant complaints are suitable.
 - (iv)** Consider reports from Police Scotland on its handling of misconduct allegations under the Police Service of Scotland (Conduct) Regulations 2014, with a view to ensuring that arrangements for handling these allegations are efficient and effective.
 - ~~(iv)~~ **(v)** Conduct preliminary assessments of misconduct allegations against senior officers of Police Scotland under regulation 8 of the 2013 Regulations and, where appropriate, refer these to the PIRC for further assessment and potential investigation
 - (vi)** ~~Where the 1999 Regulations apply, implement the preliminary investigation procedure in relation to alleged misconduct of transferred senior officers occurring prior to 1 April 2013. Where the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999 apply to the conduct of a senior officer, implement the preliminary investigation procedure set out in these Regulations.~~

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- ~~(v)~~(vii) Refer allegations to the appropriate prosecutor where it can reasonably be inferred that a senior officer of Police Scotland may have committed a criminal offence (under regulation 7 of the 2013 Regulations or the equivalent provisions in regulation 9 of the 1999 Regulations).
- ~~(vi)~~(viii) Determine, following receipt of an investigator's report, whether misconduct allegations against a senior officer of Police Scotland are to be referred to a misconduct hearing.
- ~~(vii)~~(ix) Determine whether senior officers who are the subject of misconduct or criminal allegations are to be suspended from the office of constable (or subject to such other measures as considered appropriate) and to review suspension decisions within the period specified in the relevant Regulations.
- ~~(viii)~~(x) Critically examine reports from HMICS, PIRC, and any other information provided by Police Scotland in relation to complaints about the police, and ensure that appropriate improvement plans are implemented or remedial action is taken within agreed timescales.
- ~~(ix)~~(xi) Contribute to and consider the findings of official reviews of complaints and conduct matters, and ensure that recommendations from such reviews are implemented as appropriate.
- ~~(x)~~(xii) Consider such other matters as required by the Board.

Membership

- 3. The Committee will comprise no fewer than three **Authority** members including a chair ("the Committee Chair").
- 4. The quorum of the Committee will be two **Authority** Members including the Committee Chair.

Meetings

- 5. The Committee will hold at least four scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business. Additional meetings will be held where necessary in order to ensure efficient and effective complaints handling and to comply with timescales stipulated in legislation.

Exceptional Circumstances Committee

Purpose and Scope

1. The purpose of this committee is to deal with urgent business of the Board, Committees and Sub-Committees when, in exceptional circumstances, it is not practicable for an ordinary meeting or special meeting of the Board, Committee or Sub-Committee to be convened.
2. Meetings will be used to consider and deal with the urgent business when it is necessary for the fulfilment of the Authority's functions. The Committee is authorised to perform all of the Authority's functions when in exceptional circumstances it is not practical for an ordinary meeting or special meeting to be convened.

Membership

3. The Committee will comprise the Chair of the Authority who will be the Committee Chair and a minimum of two other members of the Board.
4. The quorum of the Committee will be three Members including the Committee Chair.
5. In the event that members (including the Chair) appointed to the Committee are unable to participate in a Committee meeting and the Committee is no longer quorate, other members of the Board shall be appointed to the Committee to make the Committee quorate.

Meetings

6. The procedures for the Committee meeting are as follows:
 - (i) The number of meetings will be dependent upon the nature and extent of the Committee's business. Meetings will be held where necessary in matters of urgency at short notice.
 - (ii) Items of business must be submitted with a clear rationale explaining the exceptional circumstances and the urgency that make it necessary for the Committee to deal with the business. The Committee Chair shall determine whether exceptional circumstances requiring urgent business to be dealt with by the Committee exist.
 - (iii) Meetings of the Committee will be held to deal with matters of urgency and the Committee Chair will, on a case by case basis, provide details of the procedures to be followed in relation to notice of the meeting, agenda, and circulation of papers.

Forensic Services Committee

Purpose and Scope

- 6.1 The purpose of the Forensic Services Committee is to provide oversight, scrutiny and assurance to the Board on the performance and delivery of forensic services to the Police Service, Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal as set out in section 31 of the Police and Fire Reform (Scotland) Act 2012. The committee will provide advice and seek assurance on the delivery of forensic services by reviewing progress, providing constructive challenge and contributing to strategy, planning and future development of Forensic Services. The committee will make recommendations to and advise the Board on Forensic Services related matters.
- 6.2 Meetings will be used to:
- (i) Oversee the development and delivery of the Forensic Services Strategy ensuring alignment to the Strategic Police Priorities, the Strategic Police Plan and the Scottish Government's Strategy for Justice.
 - (ii) Review the performance of Forensic Services, using the performance framework. In particular review quarterly and annual performance reports and progress in the achievement of objectives and outcomes, ahead of consideration by the Authority. This should include findings from the United Kingdom Accreditation Service (UKAS) to provide continued reassurance about the quality of Forensic Services' output.
 - (iii) Review other relevant quarterly and annual reports produced by Forensic Services on the development and delivery of its functions.
 - (iv) Seek assurance that effective operational and strategic partnership arrangements are in place. Keep Develop and keep under review arrangements set out in the Memorandum of Understanding between Forensic Services, the Crown Office and Police Scotland and ensure an evolving and developing tripartite partnership continues.
 - (v) Support the development of, and approve, the Forensic Services performance framework, ensuring that it is aligned with strategic objectives, statutory requirements and ethical standards; that it develops best practice in measuring and reporting the achievement of outcomes; that it is based on robust and meaningful data; and that it takes account of statutory obligations and the commitments set out in the Memorandum of Understanding.
 - (vi) Oversee the implementation of performance improvement recommendations made in relation to Forensic Services by scrutiny/inspections bodies, audit reports, or the Authority.
 - (vii) ~~Seek assurance that Forensic Services has appropriate risk and financial management controls in place, and review quarterly and annual reports produced by Forensic Services in relation to the exercise of its functions, including reports on operational and organisational performance and of progress in the achievement of objectives for onward consideration by the Board. This should include findings from the United Kingdom Accreditation~~

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~~Service (UKAS) to provide continued reassurance about the quality of Forensic Services' output.~~

- (viii) Ensure that Forensic Services maintain appropriate links with UK and international bodies, for example in relation to research and development.
- ~~(ix) Ensure that Forensic Services has adequate and appropriate support and resource to enable service to be delivered with ongoing improvement.~~
- (x) Seek assurance that the Authority's statutory obligations as a service provider are being appropriately discharged, ~~in particular Authority's duties in relation to the health, safety, wellbeing and equalities.~~
- (xi) Consider such other matters as required by the Board.

Membership and Attendees

- 6. 3 The Committee will consist of a minimum of three **Authority** members including the chair ("the Committee Chair").
- 6. 4 The quorum of the Committee will be two **Authority** Members including the Committee Chair.

Attendees

- 6. 5 In addition to the Chair and the Chief Executive, Police Scotland, the Crown Office and Procurator Fiscal Service and the Police Investigations and Review Commissioner have a standing invitation to attend meetings and **actively** participate in the Committee's discussions.

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Meetings

- 6. 6 The Committee will hold at least four scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business.

Legal Committee

Purpose and Scope

The purpose of this Committee is:

- (i) to provide oversight and scrutiny of the arrangements the Authority and Police Scotland have in place for the handling of legal actions, claims and appeals, and the provision of legal assistance and legal expenses insurance
- (ii) to authorise, where necessary, settlement of legal actions and claims against the Chief Constable and the Authority
- (iii) to determine appeals from police officers and former police officers whose applications for assistance with the payment of legal expenses in relation to civil and criminal proceedings, or in connection with Fatal Accident or Public Inquiries, have been rejected, and to consider and approve the arrangements for granting such assistance
- (iv) to hear, or appoint a panel of its members to hear, appeals against dismissal, from Authority and Police Scotland staff, in relation to disciplinary, and capability (attendance and performance) matters
- (v) to determine applications from police officers for ill health retirement and Injury on Duty awards
- (vi) to make decisions on pension forfeiture, applying underpayments to injury on duty awards and granting retrospective injury on duty awards
- (vii) to provide instructions to Authority solicitors where required.

1. The Committee shall provide oversight and scrutiny of the arrangements the Authority and Police Scotland have in place for the handling of legal actions, claims and appeals, and the provision of legal assistance and legal expenses insurance.

2. The Committee shall authorise, where necessary, settlement of legal actions and claims against the Chief Constable and the Authority.

3. The Committee shall determine appeals from police officers and former police officers whose applications for assistance with the payment of legal expenses in relation to civil and criminal proceedings, or in connection with Fatal Accident or Public Inquiries, have been rejected, and to consider and approve the arrangements for granting such assistance.

4. The Committee shall provide instructions to Authority solicitors where required.

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4.5 Meetings will be used to:

- (viii) Consider and approve settlement of civil legal actions and claims (including claims raised in the Employment Tribunal) against the Authority and/or the Chief Constable within the financial authorisations contained within the Authority's Governance Framework.
- (ix) Consider and provide instructions on legal matters, including agreements and memoranda of understanding, and civil legal actions and claims, including matters which may be considered novel or contentious, include ethical or substantial reputational issues, or are of significant public interest.
- (x) Consider and approve, as appropriate, the arrangements for dealing with applications by police officers and former police officers for legal assistance in respect of unlawful acts committed in the execution of their duties, including any changes to the SHHD Circular18/1978.
- (xi) Consider, approve and provide instruction on, as appropriate, the arrangements for, and any issues arising from, the provision of legal expenses insurance.
- (xii) Consider, approve and provide instruction on, as appropriate, the arrangements for, and any issues arising from, the provision of legal expenses insurance,
- (xiii) Determine appeals from police officers and former police officers for legal assistance in relation to:
 - criminal and civil proceedings raised against the officer in respect of alleged unlawful acts committed in the execution of their duties, and
 - for Fatal Accident and Public Inquiries in which possible allegations of irregularities in police procedure or conduct may result, where applications for legal assistance have been rejected by the Chief Constable.
- ~~(xiv) To appoint three of its members to hear and determine appeals against dismissal, from Authority and Police Scotland staff in accordance with the Disciplinary, and the Capability (Attendance and Performance), Standard Operating Procedures~~
- ~~(xv) Determine applications from police officers for ill health retirement and injury on duty awards~~
- ~~(xvi) Make decisions in relation to:
 - pension forfeiture in accordance with the relevant regulations
 - the application of underpayments to injury on duty awards to recover sums overpaid to former police officers in receipt of injury on duty awards
 - granting retrospective injury on duty awards to former police officers; and
 - to seek the agreement of the Scottish Public Pensions Agency to those decisions.~~

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- (xvii) Monitor the handling of legal actions, claims and appeals within the remit of this Committee; seek information on themes, trends, and lessons learned as appropriate; and review the arrangements in place for the handling of these matters; and
- (xviii) Consider such other matters as required by the Board.

Membership and Attendees

- ~~5.6.~~ The Committee will comprise a minimum of three Authority Members including the chair ("the Committee Chair").
- ~~6.7.~~ The quorum of the Committee will be three Authority Members including the Committee Chair.

Meetings

- ~~7.8.~~ The Committee will hold at least four scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business. Additional meetings will be held where necessary, and in matters of urgency at short notice in order to ensure efficient and effective delivery of instructions to Authority solicitors and consideration of proposed legal settlements.

People Committee

Purpose and Scope

1. The purpose of this Committee is to provide oversight, scrutiny and assurance to the Board on all significant workforce matters relating to the Authority/Police Scotland, including providing advice, guidance and support on the development and implementation of workforce strategy and policy. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the SPA Board requests of it.
2. The Committee will seek assurance of continuous improvement in the efficient and effective use of workforce resources in accordance with the principles of Best Value; and that ethical and legal obligations to the workforce, including those related to health & safety and equality, are being met, serving to ensure the highest possible standard of people management. This will include seeking evidence of an organisational culture which values diversity, ensuring that equality considerations are mainstreamed into workforce strategies, policies and plans, serving to attract, develop and retain a workforce which is representative of the communities which the Authority/Police Scotland serves.
3. The Committee will make decisions in relation to applications for ill health retirement, and injury on duty awards; and pension forfeiture. The Committee will also decide the process for appointment to the ranks of Chief Constable, Deputy Chief Constable and Assistant Chief Constable and to Director level roles within the Authority/Police Scotland (including temporary appointments).
4. Meetings will be used to:
 - (i) Contribute to, review and endorse workforce strategies, policies and plans; approve workforce policies on behalf of the Board; and make recommendations to the Board on the approval of workforce strategies ensuring a comprehensive, strategic approach to people management, aligned with wider organisational strategy, and seek evidence of resulting delivery against identified outcomes which serve to optimise performance in an ethical and sustainable way.
 - (ii) Consider, in conjunction with the Resources Committee where appropriate, and recommend to the Board for approval, proposed changes to staff terms and conditions; discuss, as appropriate, working practices/ people management issues highlighted to the Committee by the Authority/Police Scotland representatives on the Official Side of the Police Negotiating Board; and recommend an Authority position to the Board in relation to changes to police officer Regulations and Determinations which are being consulted on via the Scottish Police Consultative Forum.
 - (iii) Seek assurance, in conjunction with the Resources Committee, that workforce planning is effectively integrated with strategic and financial planning processes, providing a cohesive approach to planning organisational capacity and skills in support of corporate objectives and serving to develop a diverse and sustainable Authority/Police Scotland workforce.
 - (iv) Seek assurance as to the effective attraction, retention and management

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of talent; that leadership development needs are kept under review; and consider and monitor the implementation of effective succession planning arrangements, with a view to ensuring the continued ability of the Authority/Police Scotland to respond to the challenges and opportunities facing them.

- (v) Determine and approve the optimum process and implement arrangements for appointment to the ranks of Chief Constable, Deputy Chief Constable and Assistant Chief Constable and to Director level roles within the Authority/Police Scotland (including temporary appointments), providing assurance to the Board in relation to those arrangements. The final decision on appointment will rest with the Board.
- (vi) Seek assurance that workforce performance is effectively managed and developed to achieve organisational goals. In collaboration with the Chair of the Board, exercise oversight of the objectives set for the Chief Constable, the Authority Chief Executive, and Director of Forensic Services, and review the arrangements for their performance appraisal; and exercise oversight of performance appraisals completed in respect of other members of the SPA/Police Scotland executive.
- (vii) Seek assurance that effective, regular and consistent approaches to workforce engagement and involvement are in place (including structures, systems and processes for consultation and negotiation with statutory staff associations and trade unions); and seek evidence which demonstrates that the contribution and wellbeing of the workforce is valued and recognised.
- (viii) Seek assurance on the capacity and capability of the People & Development function, including staff, systems and processes.
- (ix) Seek to ensure effective delivery against identified outcomes through determination of standards in relation to the fair and effective management of the workforce; and overseeing implementation of robust monitoring arrangements.
- (x) Review the adequacy of controls in place to mitigate risks identified through the strategic risk register pertinent to the business of the Committee.
- (xi) Provide workforce governance information for the statement of internal control.

~~(xix)~~(xii) Determine applications from police officers for ill health retirement and injury on duty awards, and seek assurance that effective processes are in place for the administration of applications for ill health retirement and injury on duty awards.

~~(xii)~~(xiii) Make decisions in relation to:

- pension forfeiture in accordance with the relevant regulations;
- the application of underpayments to injury on duty awards to recover sums overpaid to former police officers in receipt of injury on duty awards;
- granting retrospective injury on duty awards to former police officers; and

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- to seek the agreement of the Scottish Public Pensions Agency to those decisions

~~(xiii)~~(xiv) Consider such other matters as required by the Board.

Membership and Attendees

5. The Committee will comprise a minimum of three Authority Members including the chair ("the Committee Chair").
6. The quorum for the Committee will be three Authority Members including the Committee Chair.

Attendees

7. The Chief Constable shall have a standing invitation to any meeting considering the appointment of a Deputy Chief Constable or an Assistant Chief Constable or any Director level police staff.
8. A single representative will be invited from each of the following bodies: Associations of Scottish Police Superintendents, Scottish Police Federation, Unison and Unite (acting in an ex officio capacity), to attend Committee meetings.

Meetings

9. The Committee will hold at least four scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business. The Committee will also convene on an ad hoc basis to deal efficiently and effectively with any appointments processes it may be undertaking.

Policing Performance Committee

Purpose and Scope

1. The purpose of this Committee is to provide oversight and scrutiny of continuous improvement in policing. It will do this through scrutinising policing performance against agreed strategies, plans and statutory requirements. The Committee will seek to continuously improve the way in which policing performance is measured and reported. The Committee will also consider any proposed changes to operational policing deployments which may have particular public interest, ethical or human rights implications. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the Chair, Board or Chief Executive requests of it, including in relation to public-facing service delivery aspects of policing.
2. Meetings will be used to:
 - (i) **Approve the Policing Performance Framework and related enhancements,** and oversee the development and improvement of the policing performance framework, ~~and approve enhancements to the agreed framework,~~ ensuring that it is aligned with the policing strategy, annual police plans and statutory requirements including the policing principles and ethical standards; that it applies best practice in measuring and reporting the achievement of outcomes; that it is based on robust and meaningful data; and that it considers the views of stakeholders.
 - (ii) Review the performance of policing using the performance framework, and in particular review quarterly performance reports in advance of their consideration at the Board.
 - (iii) Review progress in relation to the implementation of performance improvement activities where these arise from recommendations contained in inspection and/or audit reports.
 - (iv) Examine the performance analysis and overview section of the Authority's Annual Report and Accounts, in order to provide assurance to the Board that it contains an appraisal of performance of the Authority and Police Scotland in working towards the objectives within the Strategic Police Plan, the arrangements in the Annual Police Plan, statutory requirements including the policing principles, and ethical standards.
 - (v) Consider significant proposed changes, in consultation with the Chair or at the request of the Board, to operational policing which may have particular public interest, ethical or human rights implications; ensure that the associated risks and opportunities have been fully assessed, that the views of relevant stakeholders have been considered, and that the impact on communities and protected characteristic groups as defined in the Equality Act 2010 have been properly taken into account.
 - (vi) In carrying out its functions, consider relevant data and research available in relation to policing which would assist in benchmarking Police Scotland's performance against appropriate comparators across the UK and internationally.

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- (vii) Ensure reporting on the arrangements for, and feedback on custody from, the volunteers within the Independent Custody Visiting in Scotland (ICVS) scheme is carried out publicly at least twice per year, including publication of the Authority's annual review of ICVS.
- (viii) Consider such other matters as required by the Board.

Membership and Attendees

- 3. The Committee will comprise a minimum of three Authority Members including the chair ("Committee Chair").
- 4. The quorum for the Committee will be two Authority Members including the Committee Chair.
- 5. A representative from COSLA has a standing invitation to attend and contribute to Committee Meetings.

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Meetings

- 6. The Committee will hold at least four scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business.

Resources Committee

Purpose and Scope

1. The purpose of this Committee is to provide oversight, scrutiny and assurance to the Board on all significant financial and budgetary resourcing matters, including strategic financial planning and budget setting in the short, medium and long term, investment decisions based on review of business cases, performance against the agreed budget, delivery of the expected investment benefits and assurance on financial regulatory compliance and stewardship.
2. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the SPA Board requests of it in relation to financial sustainability and other resourcing aspects of Police Scotland and the SPA.
3. The Committee will seek to ensure that continuous improvement is embedded within financial planning and the management and delivery of benefits through investment made in the change portfolio. The Committee will oversee the management and development of processes and procedures in line with Best Value principles.
4. The Committee will consider and approve matters delegated to it by the Board and set out in the Authority's Financial Regulations and the Financial Delegation and Pre-approval Matrix is appended to the Financial Regulations.
5. Meetings will be used to:
 - (i) Review reports in relation to matters falling within the scope of this Committee and, in accordance with the Authority's Financial Regulations and Financial Delegation and Pre-Approval Matrix, consider and approve such matters within the limits set out in the Scheme of Financial Delegation and Pre-Approval Matrix; and make recommendations for approval to the Board as appropriate. Matters falling within the scope of this Committee include but are not limited to:
 - a) SPA/Police Scotland input to Government Spending Reviews
 - b) Annual budget proposals for revenue, capital and reform
 - c) Routine in-year financial monitoring, forecasting, cash flow management and year end outturn of financial performance against all approved budgets including any savings or efficiency plans
 - c) Budget changes resulting from factors out with the budget planning process during the financial year
 - d) Business cases, contracts, lease agreements, operational plans, borrowing, sponsorship, special payments, income charge rates, grant funded awards, write-off losses and bad debts, and the acquisition and disposal of land and property
 - (ii) Assess strategies which have resource implications with a view to making recommendations to the Board.
 - (iii) Scrutinise the rolling capital investment plan ensuring prioritisation of

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- spend is aligned to the outcomes set out on the Strategic Police Plan and equivalent SPA Corporate and Forensic Services Strategies and monitor progress of the agreed programme of property disposals and acquisitions.
- (iv) Seek assurance that Police Scotland and SPA are developing financially sustainable organisational plans with appropriate financial strategies and plans to deliver the outcomes set out in the Strategic Police Plan.
 - (v) Seek assurance on the capacity and capability of the finance, procurement, estates, fleet, DDICT and change functions, including staff, systems and processes including an annual review of the SPA/Police Scotland Financial Regulations.
 - (ix) Seek assurance on compliance with the Scottish Public Finance Manual and other financial and procurement policies and regulations.
 - (x) Consider, in conjunction with the People Committee, for recommendation to the Board and onward submission to Scottish Government as appropriate, a proposed funding remit for pay negotiations; proposed changes to staff terms and conditions; and proposed schemes to pay voluntary redundancy or compensation for loss of office.
 - (xi) Seek assurance that pension schemes for officers and staff are effectively funded and financially managed, in conjunction with the People Committee.
 - (xii) Seek assurance, in conjunction with the People Committee, that workforce planning is effectively integrated with strategic and financial planning processes.
 - (xiii) Consider such other matters as required by the Board.

Membership

- 6. The Committee will comprise a minimum of 3 **Authority** Members including the chair ("the Committee Chair").
- 7. The quorum for the Committee will be two **Authority** Members including the Chair.

Meetings

- 8. The Committee will hold at least 4 scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business.

Annex C: Matters Reserved for the Board

Strategy and Planning

| Item | Consult | Inform | Approve |
|---|----------|--------|-------------------------------|
| Strategic Police Plan* | | | X (recommend to SG) |
| Annual Police Plan* | X | | |
| Local police plans* (approve form and manner of publication only) | X | | X |
| Key Enabler Strategies | | | X |
| SPA/Forensic Annual Business Plan | | | X |
| SPA Risk Framework | | | X |
| Strategic Performance Framework for Policing | | | X |
| Organisational /Transformational Change Proposals | | | X |
| Implementation Plan | | | X |

*Legislative requirement

Policy / Other Business

| Item | Consult | Inform | Approve |
|--|----------|----------|--|
| External communication relating to policy and strategy | X | | |
| Appointment of the Chief Constable (including temporary appointment of) | | | X (recommend to SG) |
| Appointment of (including temporary appointment of) ACCs, DCCs and Senior Director level staff | | | X |
| Authority's Scheme of Delegation | | | X |
| Police Scotland Internal Scheme of Delegation | | | X (subject to recommendation by Accountable Officer) |
| Terms and Conditions of Staff | | | X |
| Appointment of panels for senior officer misconduct hearings and appeals | | | X |
| Annual Revenue & Capital budget proposals | | | X |
| In-year budget changes | | | X |
| Government Spending Review input | | | X |
| Annual Report & Accounts | | | X |
| Public Sector Pay Policy submissions | | | X |
| Staff and Officer Pay Proposals | | | X |
| National and local police strategies, policies and initiatives | | X | |

Annex D: Authority's Financial Regulations

*Regulations of the Authority applicable to the Scottish
Police Authority & Police Service of Scotland.*

1. Introduction

1.1. General provisions

- 1.1.1. The Scottish Police Authority and Police Service of Scotland were created under the provisions of the Police and Fire reform (Scotland) Act 2012.
- 1.1.2. The Scottish Police Authority (SPA) is comprised the SPA's corporate body and Forensics services.
- 1.1.3. The Police Service of Scotland (PSOS) is known as Police Scotland (PS).
- 1.1.4. The 'Organisation' refers to the combined SPA and PS.
- 1.1.5. The SPA and PS are accountable to the SPA Board ('the Authority').
- 1.1.6. The Authority's Accountable Officer is the individual who holds overall financial responsibility for the Authority and is personally answerable to the Scottish Parliament for the exercise of their functions under the Public Finance and Accountability (Scotland) Act 2000.
- 1.1.7. The [Memorandum to Accountable Officers](#) for Other Public Bodies details the statutory responsibilities of the Authority's Accountable Officer and are consistent with this set of Financial Regulations.
- 1.1.8. The Accountable Officer is responsible for ensuring that the Authority has sound systems of financial control and management control. The financial regulations form part of this overall system for accountability.

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1.1.9. These regulations apply to the Accountable Officer and to the Chief Executive, Director of Forensic Services and Chief Constable (see appendix A). They may delegate as outlined in their respective SPA/ PS schemes of delegation.

2. Status of financial regulations

- 2.1.1. The financial regulations provide the framework for managing the Organisations financial affairs.
- 2.1.2. These regulations should be read in conjunction with the Corporate Governance Framework of the SPA, the SPA and PS Schemes of Delegation and, the Code of Conduct for Board Members of Public Bodies.
- 2.1.3. Compliance with these regulations is compulsory for all: Authority members; police constables; Authority and police staff; and anyone acting on its behalf. Failure to comply with the Regulations may result in disciplinary action.
- 2.1.4. The financial regulations do not override any legal or statutory requirements.
- 2.1.5. Anyone can report activity which they consider to either contravene these regulations or where there is a suspicion of fraudulent activity through the SPA / Police Scotland Whistleblowing procedures.
- 2.1.6. Any breach of the regulations that is deemed to be significant must be brought to the attention of the Accountable Officer or reported through the whistleblowing procedures.
- 2.1.7. These regulations may only be amended upon approval of the SPA Board.

3. Roles and responsibilities

3.1. SPA Board ('the Authority')

- 3.1.1. The Authority is responsible for agreeing the overall strategic direction of the Organisation. It approves: the budgetary framework; appointment of Chief Constable and Chief Executive; and exercises general oversight of the Authority's performance including financial performance.
- 3.1.2. The Authority is responsible for the allocation of the policing budget. The Authority's Chief Executive is designated by the Permanent Secretary of the Scottish Government as the Accountable Officer for this budget.
- 3.1.3. Further detail is included in other parts of the corporate governance framework.

3.2. Accountable Officer

- 3.2.1. The Permanent Secretary of the Scottish Government is the Principal Accountable Officer for the Scottish Administration. They are responsible for designating persons as Accountable Officers for parts of the Scottish Administration and certain public bodies including the Authority.
- 3.2.2. The Accountable Officer is designated as the Chief Executive of the SPA. Whilst the Accountable Officer and Chief Executive positions are held by the

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same person they are distinct roles.

- 3.2.3. The Accountable Officer is responsible for providing oversight of, and challenge to, the systems of internal governance and control which are in place within the Authority such that sufficient assurance can be provided as to the reasonable, effective and efficient use of public finances.
- 3.2.4. The Accountable Officer is further responsible for ensuring that appropriate governance is in place including SPA Committees and Board, to ensure that the use of resources by the Authority, and any decisions taken by it, comply with public sector accountability standards.
- 3.2.5. The specific responsibilities of the Accountable Officer are referenced in the [Memorandum to Accountable Officers](#).
- 3.2.6. The Accountable Officer holds personal responsibility for the finances of the Authority, including those allocated to the Chief Constable, is responsible for signing the SPA Annual Report and Accounts and is thereby held accountable by the Public Audit and Post-Legislative Scrutiny Committee (PAPALS) of the Scottish Parliament.
- 3.2.7. In the exercise of their Accountable Officer functions the Chief Executive should have due regard to the use of resources deployed by the Chief Constable. It is incumbent on the Chief Executive to combine their Accountable Officer responsibilities to the Scottish Parliament with their wider responsibilities to the Authority.

3.3. Chief Financial Officer

- 3.3.1. The Chief Financial Officer (CFO) is responsible for the management of the Organisations financial services and for the administration of all financial affairs. The CFO will advise the Accountable Officer on financial matters in line with the SPA Financial Protocol. The Accountable Officer will also receive independent advice on financial matters from Authority staff.
- 3.3.2. The CFO is responsible for the design and implementation of a system of internal control and governance in respect of financial matters, such that reasonable assurance can be provided to the Accountable Officer; to the SPA Audit Risk and Assurance Committee; and to the Authority as to the reasonable, effective and efficient use of public finances.

3.4. Other senior staff with financial responsibility

- 3.4.1. The SPA Senior Management Team, Forensic services senior management team and Police Scotland Force Executive are responsible to the Accountable Officer for the financial management of the areas or activities they control. The CFO is responsible for advising areas of their financial responsibilities.

3.5. Staff and constables

- 3.5.1. All staff and constables should be aware and have a general responsibility for

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the security of the Organisations property, for avoiding loss and for due economy in the use of resources and in achieving value for money in their individual roles.

- 3.5.2. Individual members of staff and constables should ensure that they are aware of the financial authority limits and the value of purchases for which quotes and tenders are required. Further information is available from the procurement department.
- 3.5.3. They will also immediately notify the CFO whenever any matter arises which involves, or is thought to involve, irregularities concerning cash or property of the Organisation. The CFO will take such steps as considered necessary by way of investigation and report in accordance with the relevant policies.

3.6. Scottish Government / Parliament

- 3.6.1. The CFO will, on behalf of the Accountable Officer, report to the Scottish Government regularly on the financial position of the Authority.
- 3.6.2. The Authority and the Accountable Officer will be held accountable to the Scottish Parliament through the Public Audit and Post-Legislative Scrutiny Committee as and when required.

3.7. Advice to the Authority

- 3.7.1. All reports to the SPA Board, Committees and Sub-Committees must identify any financial implications.
- 3.7.2. The reports must clearly identify any savings, costs or income that would arise in the current and future financial years, whether these are of a capital or revenue nature, and whether or not such resources are included in the budget. If budgetary provision has not been made, the report must specify funding sources.
- 3.7.3. Where a report contains financial implications it must include confirmation that the accuracy and completeness of the report content has been agreed by finance staff.

4. Financial management and planning

4.1. General accounting framework

- 4.1.1. The Authority has a requirement to manage its budget in line with the Scottish Government Budget and Monitoring Procedures.
- 4.1.2. The financial protocol between the Accountable Officer and CFO directs them to ensure that adequate systems of accounting control are maintained throughout the Organisation.
- 4.1.3. The CFO must ensure that there are appropriate financial systems in place which enable robust management reporting, provide a clear breakdown and analysis of income and expenditure and support the creation of the SPA Annual Report and Accounts.

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- 4.1.4. Systems of accounting control must ensure that as far as possible:
- All income due to the Authority is properly collected and recorded
 - All expenditure of the Authority is properly incurred, authorised and checked; and
 - All cash, stocks and other assets of the Authority are secured and controlled.
- 4.1.5. It is the responsibility of the CFO to ensure that appropriate procedures and instructions are issued for:
- Preparing the annual, medium and long term budgets;
 - Budget monitoring;
 - Producing financial management information; and
 - Producing the Annual Report and Accounts.
- 4.2. Financial planning**
- 4.2.1. Prior to the start of each financial year the CFO will, on behalf of the Accountable Officer, prepare and submit budgets for the forthcoming financial year. These budgets will be:
- Consistent with strategic, annual policing plans and other longer term strategies approved by the Authority;
 - In line with the Scottish Government Budget and Monitoring Procedures;
 - Set with due consideration of appropriate resources and service levels required of the Authority and appropriate ministerial commitments; and
 - Produced following appropriate discussion and agreement with budget holders.
 - The budget set will also identify the associated risks and uncertainties.
- 4.2.2. Staff and constables will fully participate in the preparation of financial plans for their service in accordance with the process determined by the CFO in consultation with the Accountable Officer.
- 4.2.3. The Authority will approve budget allocations to the Chief Executive, Director of Forensic Services and Chief Constable for their respective business areas.
- 4.2.4. The CFO will lead the development of medium and long term financial plans to deliver the strategic priorities of the Authority. The medium term financial strategy covers a period up to five years and the long term covers a period up to 10 years. This ensures a strategic approach to financial planning and helps to identify challenges and opportunities facing the Authority. This work will also inform any formal spending review submissions made to the Scottish Government.

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4.3. Budget monitoring and control

- 4.3.1. Budgetary control will ensure that there is a proper system of reporting and financial control, documented within the relevant finance processes, policies and guidance.
- 4.3.2. The CFO will maintain and ensure appropriate financial monitoring of the Authority's income and expenditure is carried out. This should extend to:
- Regular management reports on financial performance to the Authority and appropriate committees;
 - Forecast budget position, reviewed at least quarterly throughout the financial year;
 - Analysis of variances from budget and forecast provided on a regular basis across appropriate categories provided through variance analysis and management commentary and planned action for material variances;
 - Clear actions being identified and planned to address variances, where appropriate;
 - The monitoring of actions taken to resolve any areas of concern; and
 - Budget virements being tracked.
- 4.3.3. Budget holders are responsible for ensuring that:
- Approved budgets are used for the purposes intended;
 - Any overspend of budget or reduction in income which cannot be managed is not incurred without approval required in the applicable scheme of delegation;
 - Overspends or income reductions are reported in the financial monitoring reports submitted to the Authority;
 - No staff or constable are appointed above the approved budgeted establishment without approved required in line with the applicable scheme of delegation.
- 4.3.4. The CFO will provide regular financial monitoring information to the Scottish Government sponsor department as directed.

4.4. Changes to approved budgets

- 4.4.1. The Authority should seek to minimise in year changes to approved budgets.
- 4.4.2. Changes or virements to budgets represent changes between business area or expenditure type and will be require to be approved in line with Appendix A.

4.5. Investment governance

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- 4.5.1. Business cases are required for any proposed change or new activity that requires financial investment. Business cases should be prepared in line with the SPFM and other best practice guides including the HM Treasury 'green book'.
- 4.5.2. Scottish Government has defined major investment projects and the delegated approval required for business cases are outlined at appendix A.
- 4.5.3. There is no distinction in the business case approval process regardless of the funding source (ie revenue, capital or reform).
- 4.5.4. For reform spend the Authority should agree with Scottish Government at the start of the year how it proposes to spend any available reform funding and routinely provide updates on actual and forecast in the same way as other funding sources.
- 4.5.5. There may be business cases of low value that require AO/ CE or RC consideration due to their nature ie low value but high risk or high public interest. PS should provide a regular planner of in progress / planned business cases showing expected timeline and expected approval route. This will allow AO/ CE and RC to consider any low value business cases that may require consideration over the level set by the purely financial delegation limits.
- 4.5.6. Where there are financial changes (ie costs or benefits) to business cases from BJC, IBC and FBC as well as post approval during delivery, these changes should be monitored with changes required to be reported per Appendix A.
- 4.5.7. Other non-financial changes (ie non-financial benefits, scope, timeline, etc) also require to be monitored and reported per Appendix A.
- 4.5.8. End of project closure reports should be completed, reflecting on the outcomes of the project relative to the approved business case and highlighting lessons learned per Appendix A.

4.6. Devolved budget holders

- 4.6.1. Financial responsibility will be devolved from the budgets allocated to the Chief Executive, Director of Forensic Services and Chief Constable to budget holders in order to achieve effective control of financial resources. The Chief Executive, Director of Forensic Services and Chief Constable have the responsibility to work within the financial resources provided annually.
- 4.6.2. Budget holders will have authority to incur expenditure included in the approved budget for the services for which they are responsible up to the level of the allocated budget provision in line with the financial delegations set out in the SPA and PS Schemes of Financial Delegation.
- 4.6.3. The control of income and expenditure within an agreed budget is the responsibility of the designated budget holder, who must ensure that day-to-day monitoring is undertaken effectively.
- 4.6.4. Significant departures from agreed budgetary targets must be reported

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immediately to the CFO and, if necessary, corrective action taken.

- 4.6.5. Budget holders are assisted in their duties by management information provided under arrangements approved by the CFO. The arrangements for providing financial information will be outlined by the CFO.
- 4.6.6. The CFO is responsible for maintaining an up to date list of the financial delegations held within the Authority.

4.7. Delegated authority

- 4.7.1. The SPA specific Delegated Financial Authority is set out in the Scottish Government Governance and Accountability Framework Document and is incorporated into the Corporate Governance Framework of the SPA. The Authority will obtain the Scottish Governments prior written approval before entering into any undertaking to incur any expenditure that falls outside these delegations or which is not provided for in the Authority's annual budget allocated by the Scottish Ministers.
- 4.7.2. The Authority will require prior approval from the Scottish Government before incurring expenditure for any purpose that is or might be considered novel, contentious or repercussive.
- 4.7.3. The SPFM states whether or not a financial transaction might be regarded as novel or contentious inevitably involves a degree of judgement. SPFM provides further guidance below and notes that advice should be sought from Scottish Government if in doubt.
- 'Novel' would include proposed expenditure or financial arrangements of a sort not previously undertaken or entered into by the body in question or that could not be considered, reasonably, to be standard practice.
 - 'Contentious' would include proposed expenditure or financial arrangements where there was doubt as to regularity (i.e. compliance with relevant legislation and guidance) or propriety (i.e. compliance with the standards expected of public bodies or officials). Proposed expenditure or financial arrangements that might be considered to be politically sensitive would also be regarded as contentious.
 - 'Repercussive' would likely cause pressure on other Scottish public bodies to take a similar approach and hence have wider financial implications outside of the Authority.

4.8. Authorisation to incur expenditure

- 4.8.1. Approval of the Resource or Capital budget for any particular year grants the Chief Executive, Director of Forensic Services and Chief Constable, the necessary authority to incur expenditure, subject to compliance with all guidance issued by the Scottish Government and approved by the Authority as set out in the respective schemes of delegation.
- 4.8.2. The Accountable Officer requires the Organisation to maintain Standing Orders

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Relating to Contracts, changes to which must be approved by the Authority. All national, regional and local contracts should adhere to these standing instructions. The Head of Procurement within Police Scotland is responsible for the regular review and update of the Standing Orders Relating to Contracts.

- 4.8.3. The Accountable Officer is responsible for ensuring that governance processes are in place to provide assurance that any expenditure incurred by the Authority is within its legal powers.

4.9. Accounting arrangements

- 4.9.1. The financial year is from 1 April to 31 March.
- 4.9.2. The Accounts Direction by Scottish Ministers requires an annual statement of accounts to be prepared.
- 4.9.3. The Annual Report and Accounts must comply with HM Treasury's Financial Reporting Manual (FRM), the Scottish Public Finance Manual (SPFM), appropriate international financial accounting standards (IFRS) and any financial objectives or targets set by the Scottish Government.
- 4.9.4. The Accountable Officer is responsible for approval of the annual report and accounts. The delivery of this work is undertaken by the CFO who must ensure the documents are prepared within require timescales.
- 4.9.5. The Accountable Officer is responsible for:
- submitting a draft of the annual report and accounts to the Scottish Government.
 - overseeing the approval of the annual report and accounts to the Authority in line with the corporate governance framework.
 - submitting approved and audited accounts to Scottish Ministers.
- 4.9.6. The CFO is responsible for the retention of proper accounting records. Records should be retained in compliance with applicable laws and regulations.

4.10. Taxation

- 4.10.1. The CFO is responsible for advising the service on taxation issues as they apply to the Organisation.
- 4.10.2. The CFO is responsible for ensuring compliance with relevant statutory requirements including those concerning VAT, PAYE, national insurance and corporation tax.

5. Audit and internal control

5.1. General

- 5.1.1. Internal, external auditors and other statutory inspection bodies, will have

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authority for the purposes of their audit to:

- Access Authority premises at reasonable times;
- Access all assets, records, documents and correspondence relating to any financial and other transactions of the Authority;
- Require and receive such explanations as are necessary concerning any matter under examination;
- Require any member of staff or constable of the Organisation to account for cash, stores or any other property under their control; and
- Access records belonging to third parties, such as contractors, when required.

5.1.2. Access will be subject to completion of appropriate vetting.

5.2. External audit

5.2.1. The Auditor General for Scotland (AGS) is responsible for the appointment of the Authority's statutory external auditor.

5.2.2. The primary role of external audit is to report on the Authority's annual report and accounts and to carry out such examination of the statements and underlying records and control systems as is necessary to reach their audit opinion.

5.2.3. External audit remains independent in its planning and operation, and has direct access to the Authority, Accountable Officer and Chair of the Audit, Risk and Assurance Committee.

5.3. Internal audit

5.3.1. An independent internal audit service, under the independent control and direction of the Audit, Risk and Assurance Committee, will be appointed to undertake regular reviews and appraisals of the systems of internal control of the Authority and provide reports in line with the annual audit plan.

5.3.2. An annual audit plan will be presented by the Internal Auditor to the Audit, Risk and Assurance Committee for endorsement. It will be derived from consultation with the Authority's Accountable Officer, Police Scotland, Forensic Services and Audit Scotland. The plan will align to the Authority's current strategic requirements together with any additional reviews of strategic audit risks that are considered necessary.

5.4. Prevention of fraud, corruption and bribery

5.4.1. The Organisation should adopt and implement policies and practices to safeguard itself against fraud and theft.

5.4.2. The Accountable Officer is responsible for identifying and managing the risk of fraud and corruption, for ensuring that appropriate risk management, internal

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control, and governance arrangements are in place.

- 5.4.3. Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Authority, or any suspected irregularity in the exercise of any function of a pecuniary nature, the CFO will be notified immediately and investigate as deemed necessary. Where this is inappropriate for any reason Whistleblowing policy and guidance should be followed.
- 5.4.4. The Authority's Accountable Officer will make arrangements to keep records of, and notify the Scottish Government at the earliest opportunity of any unusual or major incidents.

5.5. Best Value

- 5.5.1. It is a requirement of the Police and Fire Reform (Scotland) Act 2012 that Authority and Chief Constable secure Best Value from public funds.
- 5.5.2. It is the duty of the Authority to make arrangements which secure Best Value for the Authority (that is, a continuous improvement in the carrying out of the Authority's functions).
- 5.5.3. It is the duty of the Chief Constable to make arrangements which secure Best Value for the Police Service (that is, a continuous improvement in the carrying out of police functions).
- 5.5.4. In securing Best Value, the Authority and the Chief Constable must maintain an appropriate balance among:
- the quality of the carrying out of functions;
 - the cost of carrying out functions; and
 - the cost to persons of any service provided for them on a wholly or partly rechargeable basis by the Authority or, as the case may be, under arrangements made by the Chief Constable.
- 5.5.5. In maintaining that balance, the Authority and the Chief Constable must have regard to: economy, efficiency, effectiveness and the need to meet the equal opportunity requirements.
- 5.5.6. The Accountable Officer and Chief Constable should keep under review their arrangements for managing all the resources under their control, taking into account guidance on good practice issued from time to time by the Scottish Government, Audit Scotland or other relevant bodies.

5.6. Risk management and internal control

- 5.6.1. The Authority has responsibility for the overarching and strategic risk registers.
- 5.6.2. The Chief Executive, Director of Forensic Services and Chief Constable are responsible for ensuring that proper arrangements are in place to manage risk, that effective monitoring is carried out in respect of the services for which they are responsible and that the following are regularly maintained and

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updated:

- a risk register based on a comprehensive assessment of risk within their service area;
- appropriate risk mitigation actions to address risks identified in the risk register;
- business continuity plans to ensure delivery of crucial service to the public during periods of disruption;
- reports to inform the Audit, Risk and Assurance Committee of significant and strategic risks.

5.6.3. The Chief Executive, Director of Forensic Services and Chief Constable are also responsible for providing the Accountable Officer with certificates of assurance in respect of the systems of internal control within their individual portfolio.

5.6.4. An annual review of the systems of internal control will be undertaken and confirmation sought that these are operating effectively. As part of this process, any errors or failure to adhere to financial policies and financial monitoring procedures should be identified and reported, including the lessons learnt as a consequence.

6. Treasury management

6.1. Financial investments

6.1.1. Unless covered by a specific delegated authority, the Authority shall not make any financial investments without the prior approval of the Scottish Government. That would include equity shares in ventures or loan agreements and in this context does not refer to investing in an internal project. The Authority shall not invest in any venture of a speculative nature.

6.2. Borrowing

6.2.1. Borrowing cannot be used to increase the Authority's spending power. All borrowing by the Authority shall be from Scottish Ministers in accordance with guidance in the Borrowing, Lending & Investment section of the SPFM.

6.3. Banking and payment arrangements

6.3.1. The CFO is responsible for ensuring that arrangements are made for the provision of banking services for the Authority and that they comply with the Scottish Government requirements.

6.3.2. The Accountable Officer, Deputy Chief Officer and CFO are permitted to open bank accounts in the name of the Authority. They will advise the bankers in writing of the conditions under which each account will be operated, the limits to be applied to any overdraft and any limitation on single signatory payments. All funds will be held in accounts in the name of SPA.

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- 6.3.3. The CFO will determine the maximum limit of cash holding permitted at each location. The handling of all cash on the Authority's premises must be in accordance with cash handling processes as set by the CFO.
- 6.3.4. The CFO is authorised to make use of the most appropriate payment media having regard to their security and cost effectiveness. The CFO is responsible for implementing processes and controls for all payment methods.

7. Income

7.1. Income – general provisions

- 7.1.1. The Authority derives the majority of funding from grant in aid provided by the Scottish Government (grant in aid does not qualify as income). This funding is provided annually to support the provision of the Authority's functions. Other income is derived from the provision of policing services, licences and other sources including smaller specific grants.
- 7.1.2. The Police and Fire Reform (Scotland) Act 2012 permits the provision of policing or other goods and services which must not exceed the cost of providing those services i.e. full cost recovery.
- 7.1.3. The CFO on behalf of the Authority, will undertake an annual review of the charges for the provision of policing services, updating the charges in line with inflation and to ensure that full cost recovery of expenditure is achieved in accordance with the requirements of the SPFM. The CFO will present these charges for approval in line with Appendix A.
- 7.1.4. Other grant income which the Authority receives may be subject to a grant claim process, the CFO is responsible for providing the required financial documentation within the required time frames to enable such grant income to be received. The approval authority for grant claims acceptance is outlined in Appendix A. The CFO is responsible for the monitoring and reporting of grant claims.
- 7.1.5. The Authority has no delegation to provide third party grants without SG approval.
- 7.1.6. Novel or contentious proposals for new sources of income or methods of fundraising must be approved by the Scottish Government.

7.2. Income collection

- 7.2.1. The CFO is responsible for designing and implementing systems for the raising of invoices and collection of income due, such systems must adhere to best accounting practice ensuring appropriate segregation of duties between invoice raising and recording and banking of income received.
- 7.2.2. All staff and constables have a duty to inform the CFO of sales / transactions which they have initiated for which the Authority should derive income, including any contracts, lease agreements, tenancy agreements or transactions for which an invoice can be raised.

7.3. Cash and cash equivalents

- 7.3.1. The cash and banking section (under the remit of the CFO) is responsible for ensuring that cash surpluses are held in the Authority's bank accounts and are managed to the benefit of the Authority.
- 7.3.2. It is not the policy of the Authority to invest or borrow funds; and as such any cash and banking arrangements should exclude investments of a speculative nature. Any investment of financial resources other than for operational purposes or in bank accounts must first be approved by the Scottish Government.

7.4. Cash security

- 7.4.1. The CFO must be advised of all new circumstances within the Organisation where cash is held or is otherwise under the control of staff or police constables. The CFO will ensure that the minimum level of cash is held subject to the practicalities of individual circumstances and will ensure controls are in place to safeguard cash holdings.

8. Expenditure

8.1. Expenditure – general provisions

- 8.1.1. The CFO is responsible for making payment to suppliers.
- 8.1.2. The Authority allocates annual budgets to the Chief Executive, Director of Forensics Services and Chief Constable.
- 8.1.3. Each area may further delegate this responsibility to budget holder or governance groups within their service area. This delegation must be in line with the overall Authority rules at appendix A.

8.2. Procurement

- 8.2.1. The Head of Procurement is responsible for maintaining Standing Orders Relating to Contracts detailing the process and operational controls to be adhered to in the attainment of supplies, services and works, incorporating the thresholds set by the Authority and schemes of financial delegation in the arrangements for purchasing, contracting and tendering including modifications and extensions. The Authority in principle approves, and will implement, contracts awarded, contract extensions agreed, and modification of contracts agreed by the Head of Procurement, provided the values of same do not exceed those set out in Appendix A and are consistent with Best Value.
- 8.2.2. All external consultancy contracts or any proposal to award a contract without competition (non-competitive action) over the value of £25,000 must be endorsed in advance by the Accountable Officer with approval sought from the Scottish Government. Further information is given in the procurement section of the SPFM.

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8.2.3. The Authority in principle approves and will implement contracts exempt from the Public Contracts (Scotland) Regulations 2015 by virtue of regulation 16 (Exempt Contracts) which are awarded, extended or modified by the Head of Procurement or the Accountable Officer, ensuring that's awards are consistent with the principles of Best Value.

8.3. Payment of invoices

- 8.3.1. The normal method of payment of money due from the Authority will be by BACS transfer. Authorisation of electronic funds transfer will be for the CFO to arrange, in line with the scheme of delegation.
- 8.3.2. The Government's Better Payment Practice Code aims for payment of all undisputed invoices within 10 working days of receipt of goods or receipt of a valid invoice (whichever is later).
- 8.3.3. All purchase order or invoices must be certified by an authorised signatory. The CFO is responsible for ensuring that an up to date list of authorised signatories/ electronic approvers is maintained.

8.4. Petty cash

- 8.4.1. The CFO may provide petty cash at various locations for the purpose of defraying petty expenses that will be secured and operated in accordance with cash handling processes as set by the CFO.

8.5. Leasing

- 8.5.1. Property, plant and equipment may be acquired by leasing and the Authority's assets may also be sub-leased or leased to third parties.
- 8.5.2. The threshold for the approval of lease arrangement are outlined at appendix A. The Authority in principle approves, and will implement leases (including ground leases, access agreements and variations), wayleaves and radio masts leases agreed in accordance with Police Scotland's internal governance, provided the values of same does not exceed those set out in Appendix A and are consistent with Best Value. Any lease or regional or national importance will also require Scottish Government approval.
- 8.5.3. In addition, this outlines specific provision for wayleaves and radio masts leases.
- 8.5.4. The CFO is responsible for maintaining records of all lease arrangement and ensuring the appropriating accounting treatment is applied.

8.6. Write off, losses and special payments

- 8.6.1. Losses should only be written off or special payments authorised after careful appraisal of the facts. All reasonable action must have been taken to effect recovery of losses.
- 8.6.2. In dealing with individual cases consideration must be given to the reliability of relevant control systems and the efficiency with which they have been

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operated. All necessary steps must be taken to put failings right.

8.6.3. The SPFM provides further detail on types of losses and special payments. These include:

- cash losses;
- bookkeeping losses;
- exchange rate fluctuations;
- losses of pay, allowances and superannuation benefits;
- losses arising from overpayments of grants, subsidies, etc;
- losses arising from failure to make adequate charges for the use of property or services;
- losses of assets, stores and equipment;
- fruitless payments and constructive losses;
- claims waived or abandoned;
- extra-contractual payments to contractors
- compensation payments;
- extra-statutory and extra-regulatory payments;
- special severance payments; and
- ex-gratia payments.

8.6.4. The CFO will maintain records of all losses and special payments.

8.6.5. The Authority may authorise the write-off of bad debts, losses and special payments in accordance with the delegated authority at appendix A.

9. Pay expenditure

9.1. Remuneration

9.1.1. The Authority is the employer for all staff.

9.1.2. Police and Authority staff will be appointed to salary scales approved by the Board and in accordance with the appropriate conditions of service.

9.1.3. The Authority will determine salaries and other benefits for the Chief Executive and other senior staff as agreed by the Board. For other staff the Authority will approve the pay and grading structure.

9.1.4. Police constables are Crown servants, appointed by the Chief Constables (with the exception of senior officers who are appointed by the Authority) and subject to the direction and control of the Chief Constable.

9.1.5. Police constables will be appointed to the salary scale approved by the Police Negotiating Board for Scotland (PNB) and in accordance with appropriate conditions of service.

9.1.6. Annual pay awards for officers and staff are subject to consultation and approval per Appendix A.

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9.2. Salaries and pensions

- 9.2.1. The CFO is responsible for ensuring appropriate arrangements are in place for the processing and payment of all salaries, pensions, compensation and other emoluments to all current and former staff, constables and other beneficiaries. Payment must also comply with HMRC regulations.
- 9.2.2. In line with current legislation the Authority will auto-enrol all staff and constables into an appropriate pension scheme unless they opt out.
- 9.2.3. The CFO is responsible for pension matters including: paying pension contributions; preparing returns and liaison with the Authority's pension funds.

9.3. Allowances and expenses

- 9.3.1. The CFO is responsible for ensuring appropriate arrangements are in place for the payment of allowances, travel, subsistence and other expenses to staff, constables and Board Members.
- 9.3.2. Claims must be authorised by a delegated authoriser. The certification by the budget holder shall be taken to mean that:
 - Journeys were authorised.
 - The expenses were properly and necessarily incurred.
 - The allowances are properly payable by the Authority.
 - Consideration has been given to value for money in choosing the mode of transport.
- 9.3.3. As far as practicable, all claims for expenses will be reimbursed through the payroll system.

9.4. Gifts and hospitality

- 9.4.1. Gifts and hospitality provided must be reasonable and proportionate, both in frequency and scale, to the nature of the relationship and must not exceed normal business courtesy.
- 9.4.2. Any gift received by a representative of the Organisation is deemed to automatically belong to the Authority, and will not be retained for personal use unless with the explicit written consent of the Accountable Officer. Further guidance should be sought from the gifts and hospitality policy.
- 9.4.3. Hospitality or gifts received by members of the Authority must be dealt with in accordance with the Code of Conduct for Board Members of Public Bodies and must be recorded in a register kept for this purpose by the Authority's Accountable Officer.

9.5. Severance

- 9.5.1. Severance payments shall only be made in accordance with the relevant

Annex D: Authority's Financial Regulations

guidelines and legislation. In particular, the Authority must follow the requirements of the Scottish Public Finance Manual (SPFM) in determining settlement agreements, severance, early retirement and redundancy arrangements and payments.

- 9.5.2. Any such scheme or payment must be approved by the Scottish Government.
- 9.5.3. The CFO is responsible for ensuring the severance payments are authorised in accordance with appendix A.

10. Assets

10.1. Property, plant and equipment

- 10.1.1. The purchase or disposal of land, buildings or fixed plant can only be undertaken in accordance with the limits at appendix A. The Authority in principle approves, and will implement the routine purchase of a property, requests to declare surplus a property for disposal, and disposal of property, agreed in accordance with internal governance policies, provided the values of same do not exceed those set out in Appendix A and are consistent with Best Value. The provisions of the "Property: Acquisition, Disposal and Management" section of the SPFM must be adhered to in relation to all property transactions.
- 10.1.2. The Accountable Officer has overall responsibility for the stewardship for the assets of the Authority. Staff and constables must use assets in accordance with relevant processes and procedures.
- 10.1.3. The CFO is responsible for maintaining the Authority's register of capital assets. The CFO is responsible for the design and implementation of controls that safeguard assets ie care, custody and security.
- 10.1.4. Where applicable, the title deeds for assets will be held by the SPA under secure arrangements agreed by the Accountable Officer.

10.2. Disposal of assets

- 10.2.1. Assets deemed surplus to requirements can be considered for disposal. The initial request to declare surplus and initiate a disposal process should be approved in line with appendix A and the relevant provisions within the SPFM.
- 10.2.2. The Accountable Officer should ensure that processes are in place to provide assurance that estates (property) assets sold on the open market are normally disposed of at market value as defined in the Royal Institution of Chartered Surveyors Appraisal and Valuation Standards and for non-heritable assets sold by public auction or tender.
- 10.2.3. The SPFM makes it clear that in most circumstances public bodies should obtain the best possible price on the open market when disposing of assets having regard to all the circumstances, including the terms and conditions of the offer(s) received.
- 10.2.4. In some circumstances there may be a need to dispose of an asset at less

Annex D: Authority's Financial Regulations

than market value but the SPFM requires that these must deliver wider public benefits, consistent with the principles of Best Value. Further approval may be required per Appendix A.

- 10.2.5. The Authority may also be obliged to dispose of heritable property to a community body where that community body has submitted an Asset Transfer Request in terms of section 79 of the Community Empowerment (Scotland) Act 2015. Such transactions shall be deemed to be of a routine nature.
- 10.2.6. The proceeds received from the sale of fixed assets should be returned to the Scottish Government unless the Accountable Officer has received prior approval to reinvest such funds.

10.3. Inventories

- 10.3.1. Budget holders are responsible for establishing adequate arrangements for the custody and control of stocks and stores within their business areas that will ensure stocks are kept to a level compatible with safe operation of the Organisation.
- 10.3.2. Procedures and systems used for stores accounting in departments must be documented and have the approval of the CFO.
- 10.3.3. Budget holders are responsible for ensuring that regular inspections and stock checks are carried out; at least annually. Stocks and stores of a hazardous nature will be subject to appropriate security checks.

11. Other

11.1. Insurance

- 11.1.1. PS is responsible for the Authority's insurance arrangements, including the provision of advice on the types of cover available.
- 11.1.2. As part of the overall risk management arrangements, all risks will have been considered and those most effectively dealt with by insurance cover will have been identified. The CFO should have due regard to the SPFM and consideration of the options to self-insurance or undertake commercial insurance.

11.2. Legal

- 11.2.1. The legal committee has delegated decision making power to approve all settlements arising from claims against the Chief Constable under section 24(1) of the Act, and against the Authority.
- 11.2.2. In addition, in terms of section 24(3)(c) of the 2012 Act, the Authority in principle approves settlement of any single claim raised against the chief constable, provided the principal sum accords with the delegation per Appendix A and Police Scotland's Head of Legal Services considers the settlement appropriate, and consistent with best value. The same applies to the settlement of claims or proceedings raised against the Authority by a

Annex D: Authority's Financial Regulations

constable or member of police staff, in which Police Scotland acts on the Authority's behalf.

- 11.2.3. Any award, settlement, or claim for judicial expenses which may be considered novel or contentious, include ethical or substantial reputational issues or are of significant public interest shall be referred to the SPA legal committee for consideration and instructions regarding settlement and will require SG approval.

11.3. Provision of indemnities

- 11.3.1. The prior approval of the Parliament (via the Accountable Officer) must be secured before entering into any specific guarantee, indemnity, or letter or statement of comfort unless:
- there is specific statutory requirement to do so; or
 - it is of a standard type and arises as an unavoidable feature of an activity authorised by statute; or
 - the sum at risk is less than £2.5m

11.4. Scheme of financial delegations – delegation matrix

- 11.4.1. Appendix A provides a full list of all levels of delegation.
- 11.4.2. Business areas may delegate further decisions noted as "internal governance" through the SPA/ PS schemes of financial delegation.
- 11.4.3. As outlined in this document, any proposal considered to be novel, contentious or repercussive will require the approval of the Scottish Government. Any such decisions requiring Scottish Government approval should initially be discussed with the Accountable Officer to recommend to the Scottish Government.
- 11.4.4. Any internal decision maker must also defer approval to the appropriate approving level within the Authority where matters are judged to be of significant financial implications, or which may be considered novel or contentious, include ethical or substantial reputational issues, or are of significant public interest. An internal decision maker may also defer approval to the appropriate approving level within the Authority for another documented rationale.
- 11.4.5. A six monthly report should be provided to the appropriate Authority Committees for noting that provides detail of the approvals or decisions provided under the scheme of financial delegation.

Appendix A – Financial delegation & pre-approval matrix

- All values exclude VAT.
- Internal governance refers to rules as set out within the SPA/ PS schemes of financial delegation.
- In addition any proposal considered to be novel, contentious or repercussive will require **the recommendation of AO and** approval of the Scottish Government.

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|--------------------------------|--|------------------|---------------------|---------------------|-------------------------------------|---|------------------------|---------------------|
| Policies | | | | | | | | |
| 1 | Financial regulations | - | 2.1.7 | Recommend | Recommend | Recommend | Approve | n/a |
| 2 | SPA / PS schemes of financial delegation | - | 1.1.9 | Recommend | Recommend Approve | Recommend n/a | Approve n/a | n/a |
| Risk management | | | | | | | | |
| 3 | Authority strategic risks | - | 5.6 | n/a | n/a | Recommend | Approve | n/a |
| 4 | SPA corporate / Forensics / Police Scotland strategic risk | - | 5.6 | Approve | n/a | Note *Audit, risk & assurance committee | n/a | n/a |
| Financial planning | | | | | | | | |
| 5 | Annual budget | - | 4.2 | Recommend | Recommend | Recommend | Approve | n/a |
| 6 | Longer term financial plans | - | 4.2.4 | Recommend | Recommend | Recommend | Approve | n/a |
| 7 | Government spending reviews | - | 4.2.4 | Recommend | Recommend | Recommend | Approve | n/a |
| Budget management | | | | | | | | |
| 8 | In-year budget changes / virements (all budgets) | <£1m | 4.4 | Approve | n/a | n/a | n/a | n/a |
| | | >£1m | 4.4 | Recommend | Recommend | Approve | n/a | n/a |
| Accounting and taxation | | | | | | | | |

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Annex D: Authority's Financial Regulations – financial delegations matrix

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|-----------------------------|---|------------------|--|---------------------|---------------------|----------------------|----------------|----------------------------------|
| 9 | Annual report & accounts | - | Error! Reference source not found. 4.9 5 | Recommend | Recommend | Recommend | Approve | n/a |
| 9.1 | Management of matters in relation to taxation and VAT | All | 4.10 | Approve | n/a | n/a | n/a | n/a |
| Banking arrangements | | | | | | | | |
| 10 | Opening and management of bank accounts. | - | 6.3 | Approve | n/a | n/a | n/a | n/a |
| Income | | | | | | | | |
| 11 | Income policy and funded officers / staff policy | - | 7 | Recommend | n/a | Recommend | Approve | n/a see provisions of the Act |
| 12 | Income charge rates | - | 7.1.3 | Recommend | n/a | Approve | n/a | n/a |
| 13 | Acceptance of grant funding awards (within SPA approved policy) | <£1m (income) | 7.1.4 | Approve | n/a | n/a | n/a | n/a |
| | | >£1m (income) | 7.1.4 | Recommend | Approve | n/a | n/a | n/a |
| 14 | Acceptance of grant funding awards (out with SPA approved policy) | All | 7.1.4 | Recommend | n/a | Approve | n/a | n/a |
| 15 | Third party grants: The Authority has no delegation to provide third party grants without SG approval. | All | 7.1.5 | Recommend | Recommend | n/a | n/a | Approve |
| Expenditure | | | | | | | | |
| 16 | Award of expenditure contracts | <£1m | 8.2 | Approve | n/a | n/a | n/a | n/a |

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Annex D: Authority's Financial Regulations – financial delegations matrix

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|-------------|--|---|---------------------|---|---------------------|----------------------|-----------|---------------------|
| | (total value of individual contract including extensions and exclusive of VAT) | £1m to £3m | 8.2 | Recommend | Approve | n/a | n/a | n/a |
| | | >£3m | 8.2 | Recommend | Recommend | Approve | n/a | n/a |
| 16.1 | Termination of expenditure contracts | n/a | 8.2 | Approval sought from the governance forum that approved the original contract award. | | | | |
| 17 | Contract extensions (total value of extension) | Procured and approved as part of the original contract eg a 3 year contract with an option for a further year. For other variation seek procurement / legal advice. | 8.2 | Approve | n/a | n/a | n/a | n/a |
| | | Not part of or above original maximum contract approval. | 8.2 | Recommend | Approve | n/a | n/a | n/a |
| 18 | Modification of contracts | Increase costs <20% of contract value or don't change original contract award approval route (per #16). | 8.2 | Approve | n/a | n/a | n/a | n/a |
| | | Increase costs >20% of contract value or would increase the original contract award approval route (per #16). | 8.2 | Recommend | Approve | n/a | n/a | n/a |
| 19 | Non-competitive action (NCA) (total value of individual contract) | <£25k | 8.2.2 | Approve | n/a | n/a | n/a | n/a |
| | | £25k - £1m | 8.2.2 | Recommend | Recommend | Note | n/a | Approve |

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Annex D: Authority's Financial Regulations – financial delegations matrix

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|---|---|--|---------------------|---------------------|---------------------|----------------------|----------------|---|
| | | >£1m | 8.2.2 | Recommend | Recommend | Recommend | n/a | Approve |
| 20 | External businesses & management consultancies (total value of individual contract) | <£100k | 8.2.2 | Approve | n/a | n/a | n/a | n/a |
| | | >£100k | 8.2.2 | Recommend | Recommend | n/a | n/a | Approve |
| 21 | Authority to incur expenditure within budget | All | 8 | Approve | n/a | n/a | n/a | n/a |
| 22 | Certification of invoices for payment | All | 8.3 | Approve | n/a | n/a | n/a | n/a |
| Pay expenditure | | | | | | | | |
| 23 | Pay award – officers | n/a | 9.1 | Recommend | Recommend | n/a | n/a | Police Negotiating Board (PNB) - approve |
| 24 | Pay award – staff (in line with PSPP) | n/a | 9.1 | Recommend | Recommend | Recommend | Approve | n/a |
| 25 | Pay award – staff (outside PSPP) | n/a | 9.1 | Recommend | Recommend | Recommend | Recommend | Approve |
| 26 | Voluntary redundancy or voluntary early retirement (VR VER) scheme | - | 9.5 | Recommend | n/a | Recommend | Recommend | Approve |
| 27 | Voluntary redundancy or voluntary early retirement (VR VER) payments | <£95k paid to an individual, in line with budget and VR VER scheme | 9.5 | Approve | n/a | n/a | n/a | n/a |
| | | >£95k paid to an individual or outside or scheme | 9.5 | Recommend | Recommend | n/a | n/a | Approve |
| Business cases | | | | | | | | |
| Relates to any new initiative (business as usual should be captured as part of budget setting). | | | | | | | | |
| 28 | Business justification case (BJC), | <£1m | 4.5 | Approve | n/a | n/a | n/a | n/a |

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Annex D: Authority's Financial Regulations – financial delegations matrix

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|----|---|------------------|---------------------|---------------------|---------------------|----------------------|-----------|---------------------|
| | Initial business case (IBC) & Full business case (FBC) | £1m to £3m | 4.5 | Recommend | Approve | n/a | n/a | n/a |
| | (Total cost to the service over five years appraisal period. Revenue, capital and reform costs excluding savings and including all existing costs including officer and staff costs) | >£3m | 4.5 | Recommend | n/a | Approve | n/a | n/a |
| 29 | Major investment (as defined by SPFM) (The creation, acquisition, development or maintenance of an asset with a lifespan beyond the current financial year and total anticipated whole-life cost of £5m ie capital expenditure). | >£5m | 4.5 | Recommend | n/a | Recommend | n/a | Approve |
| 30 | Business case change control <u>Changes from IBC to FBC</u> <ul style="list-style-type: none"> Summary of movements in costs and benefits from the approved initial business case to be provided. If the preferred option in the IBC changes significantly following approval, a short | n/a | 4.5 | n/a | n/a | n/a | n/a | n/a |

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Annex D: Authority's Financial Regulations – financial delegations matrix

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|---------------------------|---|---|---------------------|---|---------------------|----------------------|-----------|---------------------|
| | briefing note should be provided to CE/ RC Members explaining the movement in advance of the FBC. | | | | | | | |
| 31 | <p>Business case change control</p> <p><u>Changes to cost or savings following FBC approval</u></p> <ul style="list-style-type: none"> Other non-financial changes ie non-financial benefits, scope, timeline, etc will be monitored and reported to ARAC as part of their oversight of change. | Forecast 20% or £0.5m overspend of cost or lower saving per the approved FBC | 4.5 | <ul style="list-style-type: none"> Approval of change required by the source that originally approved by the FBC. They should consider the revised total cost / savings and may choose to escalate further. | | | | |
| 32 | Business case closure reports (end of project review reports) | n/a | 4.5 | <ul style="list-style-type: none"> Provided for noting to source that originally approved the FBC. | | | | |
| Assets | | | | | | | | |
| Heritable property | | | | | | | | |
| 33 | Routine purchase of property | <£0.250m | 10 | Approve | n/a | n/a | n/a | n/a |
| | | £0.250m to £1m | 10.1 | Recommend | Approve | n/a | n/a | n/a |
| | | >£1m | 10 | Recommend | n/a | Approve | n/a | n/a |
| 34 | Request to declare surplus a property for disposal (estimated value) | <£0.250m | 10.2.1 | Approve | n/a | n/a | n/a | n/a |
| | | £0.250m to £1m | 10.2.1 | Recommend | Approve | n/a | n/a | n/a |
| | | >£1m | 10.2.1 | Recommend | n/a | Approve | n/a | n/a |
| 35 | Disposal of property <i>(references request to declare surplus papers per #34)</i> | In line with surplus paper (+/- 5% est value) | 10.2 | Approve | n/a | n/a | n/a | n/a |

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Annex D: Authority's Financial Regulations – financial delegations matrix

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|--|--|---|---------------------|---------------------|---------------------|----------------------|-----------|---------------------|
| | | Variance from surplus paper (+/- 20% est value) | 10.2 | Recommend | Approve | n/a | n/a | n/a |
| | | Explicit decision to sell for less than market value eg for community benefit | 10.2 | Recommend | n/a | Recommend | n/a | Approve |
| Leases | | | | | | | | |
| In addition to the below limits any lease (lessee or lessor) of regional or national importance must be approved by the Board and Scottish Government. | | | | | | | | |
| Extensions to any lease arrangement may be approved so long as they do not exceed the thresholds outlined below. | | | | | | | | |
| 36 | Leases (SPA as lessee or lessor) <i>Values represent total costs/income over the lease term. Costs are inclusive of rent and estimated operating costs. Values also relate to the full lease term at current prices.</i> | <£250k And up to 5 years | 8.5 | Approve | n/a | n/a | n/a | n/a |
| | | £0.250k - £2m And up to 15 years | 8.510 | Recommend | Approve | n/a | n/a | n/a |
| | | > £2m And any period | 108.5 | Recommend | n/a | Approve | n/a | n/a |

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Annex D: Authority's Financial Regulations – financial delegations matrix

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|---|---|--|---------------------|--|------------------------------------|---|-------------------|------------------------------|
| 37 | Wayleaves and radio masts leases <i>Proposal to enter into arrangements with Police Scotland to negotiate and sign wayleaves and radio mast leases on behalf of the SPA.</i> <i>An estates annual activity report is provided to Resources Committee for noting. This should cover historic and forward forecast view of purchases, disposals and leases including wayleaves / radio masts.</i> | All | 8.5.2 | Approve | n/a | Annual report to be provided for noting | n/a | n/a |
| Legal | | | | | | | | |
| 38 | Settling legal actions & claims <i>(values net of expenses, recoverable benefits and NHS charges)</i> | <£75k >£75k | 11.2 11.2 | Approve Recommend | n/a n/a | n/a Approve by Legal committee* | n/a n/a | n/a n/a |
| Losses, special payment & claims waived or abandoned | | | | | | | | |
| Losses | | | | | | | | |
| 39 | All losses, excluding claims waived or abandoned <i>(for a single customer / debtor) Write-off of bad debt and/or losses (for a single customer / debtor)</i> | Up to £1k £1 - £25k >£25k | 8.6 8.6 8.6 | Approve Recommend Recommend | n/a Approve Recommend | Note Note Recommend | n/a n/a n/a | n/a n/a Approve |
| 40 | Claims waived or abandoned | <£25k (individually) >£25k (individually) | 8.6 8.6 | Approve Recommend | n/a Recommend | n/a n/a | n/a n/a | n/a Approve |
| 41 | All losses <i>Write-off of bad debt and/or losses including stock / inventory write-off (total within a financial year)</i> | <£300k >£300k | 8.6 8.6 | Approve Recommend | n/a Recommend | Note Recommend | n/a n/a | n/a Approve |

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Annex D: Authority's Financial Regulations – financial delegations matrix

| # | Detail | Applicable range | Financial regs para | Internal governance | Accountable officer | Resources Committee* | SPA Board | Scottish Government |
|---------------------------|--|------------------------|---------------------|---------------------|---------------------|----------------------|-----------|---------------------|
| Special Payments | | | | | | | | |
| 42 | Special payments (individually) | <£1,000 | 8.6 | Approve | n/a | n/a | n/a | n/a |
| | | >£1,000 | 8.6 | Recommend | Recommend | n/a | n/a | Approve |
| 43 | Special payments (total within a financial year) | >£300k | 8.6 | Recommend | Recommend | Recommend | n/a | Approve |
| Gifts or donations | | | | | | | | |
| 44 | Gifts or donations provided by the service | <£1,000 (individually) | 9.4 | Approve | n/a | n/a | n/a | n/a |
| | | >£1,000 (individually) | 9.4 | Recommend | Recommend | n/a | n/a | Approve |

A six monthly report should be provided to the appropriate Authority Committees for noting that provides detail of the approvals or decisions provided under the scheme of financial delegation.

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Annex E: SPA Scheme of Delegation

1. Introduction

- 1.1 The Authority must ensure it carries out its statutory functions and delivers its priorities as agreed with the Scottish Ministers and as set out in the Police and Fire Reform (Scotland) Act 2012 ('the Act').
- 1.2 In terms of paragraph 12 of schedule 1 to the Act, the Authority may authorise any of its committees or any member of the Authority's staff to perform on behalf of the Authority such of its functions as it may determine, to the extent so authorised.
- 1.3 The Scottish Public Finance Manual, specifically the Memorandum to Accountable Officers for Other Public Bodies, sets out the responsibilities of the Accountable Officer. The Accountable Officer has personal responsibility for the propriety and regularity of the public finances for the body for which they are answerable and must ensure that the resources of the body are used economically, efficiently and effectively. This role is undertaken by the Chief Executive of the Authority.
- 1.4 This Scheme of Delegation ('this Scheme') details the functions which the Authority has delegated to its Chief Executive and Director of Forensic Services to perform, and the extent of that delegation.
- 1.5 The Authority will regularly review this Scheme.
- 1.6 A glossary of terms is included at the end of this section.
- 1.7 All delegated decision-making (including decisions made under sub-delegation provisions) must take into account any relevant guidance issued by the Scottish Government and all governance guidelines approved by the Authority. In particular, decision-making must take full account of the following:

Internal sources:

- a) the Governance and Accountability Framework Document of the Scottish Police Authority, drawn up by Scottish Government in consultation with the Authority ("the Governance and Accountability Framework");
- b) all relevant legal provisions and the Authority's policies and procedures;

Annex E: SPA Scheme of Delegation

- c) the Authority's Financial Regulations (and the financial delegations appended to it);
- d) the Authority's procedures and Standing Orders relating to procurement and contracts (Police Scotland document);
- e) the Authority's code of conduct for staff;
- f) Terms of Reference for the Authority's Committees.

External sources

- a) the Scottish Public Finance Manual ("SPFM");
- b) the Scottish Government's Memorandum to Accountable Officers of Public Bodies ("the Memorandum");
- c) the annual Budget Allocation and Monitoring Letter issued to the Authority by the Scottish Government.

2. Delegation by the Authority to the Chief Executive**General principles**

- 2.1 In the event of any question or dispute as to whether a decision taken, or proposed to be taken, is consistent with this Scheme, the matter will be determined by the Board of the Authority in consultation with the Chief Executive.
- 2.2 Before exercising delegated powers under this Scheme, the Chief Executive must, wherever practicable, consult with the Chair where the exercise of the powers would, or would be likely to :
 - a) have a significant or adverse effect on financial, reputational or operational risk;
 - b) have an impact on service delivery and/or the performance of the Authority or Police Scotland's functions;
 - c) have an impact on the strategic police plan; or
 - d) be outside the scope of the grant in aid budget relating to police services.
- 2.3 The Chief Executive must as soon as practicable (and no later than the next scheduled meeting of the Board) report to Members any action taken following consultation with the Chair in connection with paragraph 2.2.
- 2.4 In the event that the Chief Executive is unable for any reason to exercise powers specifically delegated to them under this Scheme, the Chief Executive's nominated Deputy Chief Executive will have authority to make decisions on their behalf.
- 2.5 The Board may require the Chief Executive to submit reports on decisions taken and actions authorised by them under this Scheme, including decisions made by members of staff under sub-delegation provisions.

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2.6 All sums stated in this Scheme are exclusive of VAT.

Corporate Management

2.7 The Chief Executive has overall responsibility for the corporate management of the Authority and for the day to day exercise of its functions, including business continuity for which the Chief Executive is accountable to the Board.

Arrangements with the Chief Constable

2.8 The Chief Executive is authorised to approve arrangements, in accordance with section 83 of the Act, between the Authority and the Chief Constable (or other authorised Police Scotland personnel) for the provision of assistance and/or staff to and from Police Scotland.

Authorised signatory

- 2.9 The Chief Executive has authority to sign:
- Documents on behalf of the Authority in terms of the Requirements of Writing (Scotland) Act 1995;
 - Contracts for goods services and works; and
 - All deeds and other documents which are intended to be legally binding on the Authority.

3. Income

3.1 The Chief Executive is authorised to seek to optimise income for the Authority in accordance with section 87 of the Act and the Scottish Police Authority (Provision of Goods and Services) Order 2013. Novel or contentious proposals for income generation or proposals to recover costs below full cost recovery, must be considered by the Board before approval is sought from the Scottish Government. In accordance with the SPFM, the standard approach to setting charges for public services is full cost recovery.

4. Expenditure – general provisions

- 4.1 The Chief Executive, in respect of SPA Corporate is authorised to transfer funds between revenue expenditure headings and between capital projects (virements), Authority staff or other costs, in line with the delegation set out in the Financial Regulations and [financial delegations matrix](#).
- 4.2 The Chief Executive may instruct expenditure for which provision has been made within the appropriate budget (the limits of which are set out in [financial delegations matrix](#)).

5. Staffing

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- 5.1 The Chief Executive has responsibility for the appointment of staff (subject to agreed staffing limits) and maintaining the Authority's organisational structure. Any transformational changes to the structure must be approved by the Board. Staffing limits may be supplemented, where required, by the addition of short-term secondments and contractors to meet identified business needs, within budget limitations and subject to any applicable procurement rules.
- 5.2 In particular, the Chief Executive is authorised to:
- a) appoint staff to support the carrying out of police functions ('police staff' notwithstanding the Chief Constable's power under section 26(3) of the Act to appoint such staff on the Authority's behalf);
 - b) appoint staff to the Authority to support the Authority in the carrying out of its corporate functions ('Authority staff'), in line with HR policy and within agreed staff budget levels;
 - c) appoint staff to the Authority to support the Authority in the carrying out of its functions in relation to the provision of forensic services, notwithstanding the Director of Forensic Service's authority to do so as set out in paragraph 21.3.
 - d) conduct disciplinary and grievance proceedings in respect of Authority staff who are employed within the corporate functions of the Authority;
 - e) remedy inconsistencies in pay or conditions of service, of all staff employed by the Authority, including those staff under the day-to-day direction and control of the Chief Constable of Police Scotland, in line with policy and as directed by the Board.

6. Major Investment Projects

- 6.1 The Chief Executive is responsible for overseeing all Major Investment Projects, (as defined by the SPFM, see [financial delegations matrix](#)), including the establishment of appropriate processes and reviews. The Chief Executive must report progress on such matters to the Resources Committee for approval by Board.

7. Property

General

- 7.1 The Chief Executive may approve routine property transactions within the financial delegations appended to the Financial Regulations. The provisions of the "Property: Acquisition, Disposal and Management" section of the SPFM must be adhered to in relation to all property transactions.
- 7.2 Where the Authority has a requirement for accommodation to provide regional or national coverage, Ministerial consent will be required as set out in [SG's Asset Management Policy](#). In addition, any novel or contentious proposals should be referred to the Scottish Government Property Division for advice, as Ministerial consent may be required.

Disposal of heritable property

- 7.3 The SPFM makes it clear that in most circumstances public bodies should obtain the best possible price on the open market when disposing of assets. The [financial delegations matrix](#) sets out the authorisation of offers to purchase heritable property owned by the Authority which it has declared as surplus to operational requirements, and which has, where appropriate, been placed on the open market, provided:
- a) the Chief Executive, having regard to all the circumstances, including the terms and conditions of the offer(s) received, considers an offer to be the best (though not necessarily the highest) offer received; and
 - b) where the Chief Executive proposes to accept an offer contrary to professional advice, or where the Chief Executive proposes to accept an offer which contains unusual conditions, the Authority must obtain any additional approval required in terms of the SPFM;
- 7.4 The general principle is that public bodies should obtain the best possible price on the open market when disposing of assets. In some circumstances there may be a need to dispose of an asset at less than market value but as per the SPFM these must deliver wider public benefits, consistent with the principles of Best Value.
- 7.5 It is recognised that the Authority may from time to time be obliged to dispose of heritable property to a community body where that community body has invoked a Right to Buy contained in the Land Reform (Scotland) Act 2003 (as amended). For the avoidance of doubt, such transactions shall be deemed to be of a routine nature.

Acquisition of heritable property

- 7.6 The Authority may authorise the acquisition of heritable property by the Authority from third parties for a proposed purchase price per the [financial delegations matrix](#).

Leases

- 7.7 The Chief Executive may approve leases, licences to occupy, and Memorandum of Terms of Occupation (MOTO) – other than those of regional or national importance or outwith a specific delegated authority, within the limits set out in the [financial delegations matrix](#).
- 7.8 The Chief Executive may instruct appropriate action to enforce the terms of any Lease, Licence to Occupy or MOTO (including the termination thereof) where the other party has failed to comply with the terms of the Lease, Licence to Occupy, or MOTO and in particular may authorise appropriate action to enable the Authority to obtain vacant possession of the heritable property in question.

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- 7.9 The Chief Executive may approve the variation or extension of an existing Lease, Licence to Occupy, or MOTO provided any proposed extension would not exceed the threshold specified in the [financial delegations matrix](#).
- 7.10 The Chief Executive may authorise the exercise, or the non-exercise, of a lease break.

Miscellaneous

- 7.11 The Chief Executive may authorise:
- the granting to a third party of any other right (e.g. cable wayleave) over heritable property owned by the Authority and vice versa;
 - the exercise of any right afforded to the Authority under contract or otherwise in respect of heritable property owned by the Authority; and
 - the granting of, or discharge of, rights affecting or ancillary to property interests existing or acquired.

8. Other licence Agreements

- 8.1 The Chief Executive may enter, renew and terminate Licence Agreements and/or Site Sharing Agreements with third parties, including but not limited to Agreements pertaining to the use of telecommunication equipment and radio masts, and may authorise any necessary legal action in this connection.

9. Procurement/Contracts

- 9.1 Subject to the provisions and financial thresholds detailed in the Standing Orders relating to Contracts (see link below) and the Financial Regulations, the Chief Executive has authority to place orders and enter into contracts, or to instruct such orders to be placed and entered into, for the supply of goods and services, and works. The Chief Executive may also extend, vary and terminate such contracts or instruct the extension, variation and termination of such contracts. Special arrangements will apply to procurement of a classified nature.

<https://www.scotland.police.uk/spa-media/k5bjwiat/standing-orders-relating-to-contracts.pdf>

10. Write offs, losses and special payments

- 10.1 The Chief Executive may authorise the increase, decrease or write-off of bad debts and/or losses up to £25,000 in value in accordance with the specific delegated authority within the Governance and Accountability Framework. Such adjustments will have an accumulation ceiling within any financial year. The level of that accumulation ceiling is set out in the financial delegations appended to the Financial Regulations. Write-offs and losses which accumulate above that ceiling in any financial year require Board approval and should be brought to the attention of Parliament through notes to the accounts per the SPFM.

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- 10.2 The Chief Executive may authorise special payments in accordance with the specific delegated financial authority set out in the Governance and Accountability Framework. Such adjustments will have an accumulation ceiling within any financial year, which is set out in the financial delegations appended to the Financial Regulations. Special payments that accumulate above that ceiling in any financial year require Board approval and should be brought to the attention of Parliament through notes to the accounts per the SPFM.
- 10.3 The Chief Executive may (a) arrange insurance for the Authority and (b) renew periodically all Authority insurances, provided that such actions are consistent with the provisions of the SPFM. Any action taken under (a) and (b) above must be reported to the Resources Committee and/or Forensic Services Committee as appropriate.

11. Members' Expenses

- 11.1 The Chief Executive may approve Authority Members' remuneration, allowances and expenses, in accordance with Scottish Government pay policy, Members' terms of appointment, and any specific guidance issued by Scottish Ministers.

12. Legal

- 12.1 The Chief Executive has authority to do the following:
- a) Approve the payment of awards against the Authority by a court or tribunal, in consultation with the Authority's solicitors;
 - b) authorise payment of judicial expenses for which the Authority is liable, in consultation with the Authority's solicitors;
 - c) initiate, enter into, defend and withdraw from legal proceedings involving the Authority, including appeals, all in consultation with the Authority's solicitors;
 - d) direct the signing of court documents on behalf of the Authority;
 - e) engage Police Scotland's Legal Services Department, external legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate, or other specialist services as required;
 - f) approve the sign off and submission to Revenue Scotland of Land and Buildings Transaction Tax (LBTT) Returns; and
 - g) provide instructions to the Authority's solicitors.
- 12.2 Notwithstanding the terms of 12.1 a) and b) above, any award, or claim for judicial expenses which may be considered novel or contentious, include ethical or substantial reputational issues or are of significant public interest shall be referred to the Legal Committee for consideration and instructions regarding settlement.

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12.3 For the avoidance of doubt, authority to settle all legal actions and claims raised against and handled by the Authority, must be obtained from the Legal Committee.

13. Provision of non-operational police services overseas under section 87(3) of the Act

13.1 Where arrangements for non-operational police services overseas require to be made under section 87(3) of the Act, the Chief Executive may arrange, with the consent of the Chief Constable, for Police Scotland to provide such services.

14. Independent Custody Visiting

14.1 The Chief Executive is authorised to perform all functions under sections 94 and 95 of the Act, including the making of arrangements for independent custody visiting, and visits of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

15. Performance of Senior Officers

15.1 The Chief Executive is authorised to perform the functions of the Authority under the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016, with the exception of the following:

- a) all functions of the Chair of the Authority acting as the Chief Constable's reporting officer;
- b) the appointment of appeal panels to conduct performance appeal meetings (regulation 19); and
- c) the appointment of panels to conduct performance hearings (regulation 28).

16. Health and Safety

16.1 Whilst the Authority has overall responsibility for Health and Safety, the Chief Executive is authorised to make such decisions, and take such actions, as are required to satisfy the Authority's obligations under the Health and Safety at Work Act of 1974 ('the 1974 Act') in respect of Members and Authority staff (except staff working in Forensic Services where a separate provision exists). This includes taking the lead role in ensuring those Authority Members and staff are meeting their responsibilities so as to comply with the 1974 Act. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

17. Emergency Planning

17.1 The Chief Executive is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations for emergency planning, business continuity, and disaster recovery as detailed in the Civil Contingencies

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Act 2004, in respect of SPA Corporate only. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

18. Information Management

- 18.1 The Chief Executive is authorised to make such decisions and take such actions, as are required to satisfy the Authority's obligations in relation to:
- a) requests for information under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004;
 - b) data subjects' rights under Part 3 Chapter 3 of the Data Protection Act 2018 and Articles 15-22 of the GDPR; and
 - c) records management under Part 1 of the Public Records (Scotland) Act 2011.

19. Pensions

- 19.1 The Chief Executive is authorised to do the following:
- a) make decisions regarding flexible retirements in line with the Pensions Discretionary Policy;
 - b) make decisions on individual cases regarding –
 - i. reinstatement of a child's pension.
 - ii. reinstatement of a widow/ers pension.
 - iii. granting cessation of payments towards increased pension benefits.
 - iv. granting police officers applications for ill health retirement and injury on duty benefit.
 - c) all decisions made under (a) and (b) above must be reported to the Legal Committee as soon as it is practicable to do so.
- 19.2 In the case of such pension matters, funding implications are a matter for the Scottish Public Pensions Agency (SPPA). The Authority is the decision maker in respect of entitlement and action. The Authority cannot proceed without the agreement of SPPA.

20. Appointment of Members to Appeals Against Dismissal Panel

20.1 The Chief Executive is authorised to appoint three Authority Members to hear and determine, appeals against dismissal from Authority and Police Scotland staff, in accordance with the Disciplinary, and the Capability (Attendance and Performance), procedures. To ensure the appeals are dealt with expeditiously Members will be appointed to the Panel on a case by case basis, determined by their availability to hear the appeal.

21. Sub delegation by the Chief Executive to Senior Authority Staff

- 21.1 The Chief Executive may sub-delegate powers to senior members of Authority staff. Any sub-delegation of powers by the Chief Executive, will be included in

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delegation letters which will set out the scope of delegated powers and associated financial delegations. Delegation letters will be reviewed and issued by the Chief Executive on an annual basis.

- 21.2 The Chief Executive may not sub-delegate any of their personal obligations and responsibilities as Accountable Officer of the Authority. In the event that the Chief Executive is incapacitated or otherwise unable to perform the Accountable Officer's responsibilities for a period of four weeks or more, the Authority will notify the Scottish Government Permanent Secretary and Portfolio Principal Accountable Officer who may appoint a substitute Accountable Officer (likely Deputy Chief Executive Resources) pending the Chief Executive's return to duties.

22. Delegation by the Authority to the Director of Forensic Services

- 22.1 The Director of Forensic Services on behalf of the Authority, is authorised to enter into necessary arrangements for the provision of forensic services to Police Scotland, the Police Investigations and Review Commissioner (PIRC) and the Lord Advocate and procurators fiscal in terms of Section 31 of the Act, within approved budget limits and in line with the limits set out in the financial delegations. Such arrangements may include, but are not restricted to, Memoranda of Understanding, Service Level Agreements, establishing advisory/working groups, and other such measures to enable the delivery of an effective service.
- 22.2 The Director of Forensic Services, in respect of Forensic Services only, is authorised to transfer funds between revenue expenditure headings and between capital projects (virements), in line with the delegation set out in the Financial Regulations and financial delegations. Such transfers should be reported to the Resources Committee as soon as is practicable.
- 22.3 The Director of Forensic Services is authorised to:
- a) appoint staff to enable the Authority to carry out its functions in relation to the provision of forensic services in terms of Section 31 of the Act, in line with HR policy and within agreed staff budget levels;
 - b) conduct disciplinary and grievance proceedings in respect of Authority staff who are employed within Forensic Services; and
 - c) make decisions regarding the deployment and oversight of Authority staff who are employed within Forensic Services, and authorise their attendance at training courses, conferences, seminars and other developmental activities.
- 22.4 Legal Delegation
- 22.4.1 The Director of Forensics, or a member of staff appointed by them, has authority, in respect of legal matters directly concerning Forensics Services only, to:
- a) approve the payment of awards against the Authority by a court or tribunal, in consultation with the Authority's solicitors;
 - b) authorise payment of judicial expenses for which the Authority is

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- liable, in consultation with the Authority's solicitors;
 - c) initiate, enter into, defend and withdraw from legal proceedings involving the Authority, including appeals, all in consultation with the Authority's solicitors;
 - d) direct the signing of court documents on behalf of the Authority; and
 - e) provide instructions to the Authority's solicitors.
- 22.4.2 Notwithstanding the terms of a) and b) above, any award or claim for judicial expenses which may be considered novel or contentious, include ethical or substantial reputational issues or are of significant public interest shall be referred to the Legal Committee for consideration and instructions regarding settlement.
- 22.4.3 For the avoidance of doubt, authority to settle all legal actions and claims raised against the Authority must be obtained from the Legal Committee.
- 22.5 In the event of any question or dispute as to whether a decision taken, or proposed to be taken, is consistent with this Scheme, the matter will be determined by the Board of the Authority in consultation with the Director of Forensic Services.
- 22.6 Before exercising delegated powers under this Scheme, the Director of Forensic Services must, wherever practicable, consult with the Forensic Services Committee where the exercise of the powers would, or would be likely to:
- a) have a significant or adverse effect on financial, reputational or operational risk; or
 - b) have an impact on service delivery and/or the performance of the Authority's functions.
- 22.7 The Director of Forensic Services must as soon as practicable (and no later than the next scheduled meeting of the Board) report to Members any action taken following consultation with the Forensic Services Committee in connection with paragraph 21.6.
- 22.8 The Forensic Services Committee may require the Director of Forensic Services to submit reports on decisions taken and actions authorised by them under this Scheme, including decisions taken by members of staff to whom the Director of Forensic Services has sub-delegated powers.
- 22.9 The Director of Forensic Services may sub-delegate powers delegated to them under this Scheme to senior members of Forensic Services staff. Any sub-delegation of powers by the Director of Forensic Services, will be included in delegation letters which will set out the scope of delegated powers and associated financial delegations. Delegation letters will be reviewed and issued by the Director of Forensic Services on an annual basis.
- 22.10 The Director of Forensic Services is authorised to make such decisions, and take such action, as are required to satisfy the Authority's' obligations under the Health and Safety at Work Act of 1974 ('the 1974 Act') in respect of Authority staff working in Forensic Services. This includes taking the lead role in ensuring that Forensic Services staff are meeting their responsibilities so as to comply with the 1974 Act. This activity is undertaken in conjunction with the Business

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Partnering arrangements for service delivery from Police Scotland.

- 22.11 The Director of Forensic Services is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations for emergency planning, business continuity, and disaster recovery as detailed in the Civil Contingencies Act 2004 in respect of Forensic Services. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

Glossary of Terms

| Definitions | |
|---------------------|---|
| The Authority | The Scottish Police Authority - the body corporate established under the terms of the Police and Fire Reform (Scotland) Act 2012 |
| Accountable Officer | The officer appointed by the principal accountable officer for the Scottish Administration in terms of section 15(3) of the Public Finance and Accountability (Scotland) Act 2000 to carry out the functions set out in the Memorandum to Accountable Officers for Other Public Bodies and who is answerable to the Scottish Parliament for the exercise of those functions. |
| Best Value | Best Value is the continuous improvement in the carrying out of functions whilst maintaining an appropriate balance among: <ul style="list-style-type: none"> • the quality of the carrying out of functions; • the cost of carrying out functions; • the cost to persons of any service provided for them on a wholly or partly rechargeable basis by the Authority or, as the case may be, under arrangements made by the chief constable, • and having regard to efficiency, effectiveness, economy, and the need to meet the equal opportunity requirements, and contributes to the achievement of sustainable development • as set out in section 37 of the Police and Fire Reform (Scotland) Act 2012. |
| Heritable Property | Heritable property ("real" or "immovable") includes only naturally immovable items such as land minerals, or any object attached to land such as buildings. |
| SPA Corporate | The governance and oversight arm of the Scottish Police Authority, which carries out the functions of the Authority set out in section 2 of the Police and Fire Reform (Scotland) Act 2012. |
| Virement | The term used for the process by which funds are moved between budget sections or subheads such that additional expenditure on one is met by savings on one or more others. Budget must not be vired between capital and revenue. |