

**SCOTTISH POLICE
AUTHORITY**

Meeting	Public SPA Board Meeting
Date	25 May 2017
Location	Golden Jubilee Conference Hotel
Title of Paper	SPA Corporate Governance Framework – Recommendations for Early Revision
Item Number	7
Presented By	Andrew Flanagan, Chair
Recommendation to Members	For Approval
Appendix Attached	No

PURPOSE

To seek the Board's approval of further recommendations for continuous improvement of SPA's Corporate Governance Framework.

1. Introduction

1.1 When appointed in September 2015, the Chair of the Scottish Police Authority (SPA) was asked by the Cabinet Secretary for Justice to conduct a governance review of the SPA to address four principle areas of concern. These were as follows:

- Localism & Community Accountability
- SPA Structures & Skills
- Information Requirements & Processes
- Stakeholder Engagement/Contribution to Wider Policy Objectives

1.2 The Review of Governance in Policing was published on 23 March 2016 and was well received by a wide range of stakeholders. The Cabinet Secretary for Justice, in his letter of 9 June 2016, confirmed acceptance of the recommendations and asked the SPA to proceed with implementation.

1.3 While the primary driver of the review was addressing issues around local engagement, there were also important considerations in terms of how the SPA conducted its business and the flow of information that was required to allow it to operate effectively.

1.4 There were 30 recommendations in total with most either complete or close to completion. As of today, the main outstanding actions relate to the future structure of the SPA corporate office and considerations around the Forensic Service.

2. Implementation and Progress

Localism

2.1 On the whole, much progress has been made. Police Scotland has embraced that the primary responsibility for effective local engagement is theirs, and as a result the relationship with local communities and their representatives is significantly stronger than before. DCC Rose Fitzpatrick has led on developing Police Scotland approaches in this area and responding to the relevant recommendations from the Governance Review. She and her team should be commended for the efforts they have made in this regard. The SPA's responsibility for oversight and ensuring Police Scotland provides effective engagement has been recognised while at the same time we have created, or participate, in a

number of fora to obtain feedback directly from scrutiny committees and other local stakeholders.

2.2 Police Scotland has established a formal resolution policy should any local issues not be capable of resolution at first contact through local commanders – an approach jointly agreed with COSLA who have acknowledged to parliament and public a greater satisfaction with engagement with policing since 2015.

SPA Governance

2.3 On other areas SPA has created a Corporate Governance Framework with much clearer understanding of responsibilities and delegated responsibilities. Internal working practices have been documented and an operations manual is being drawn up. The performance framework for policing is under development, it awaits the completion of our collaborative 2026 strategy with Police Scotland, and will emerge in the coming months. The frequency and number of Public Session Board meetings has increased and a more stringent approach taken to which items could be taken in closed meetings. As a result, we have reduced the agenda and length of these closed meetings. Together with Police Scotland, SPA has also significantly improved the production of papers and reports for Board meetings with the result that information is easier to assimilate, options are clearer, and recommendations better explained.

2.4 An End of Project report will come to the June Board. David Hume (SPA Board Member) will also lead the planned review of how these changes are working in practice, which was agreed at the December Board meeting. It is intended that Mr Hume's report will come to the August Board meeting. This will help inform what additional changes we need to make, reflect any recommendations from the stage 1 inspection by HMICS, and help to prepare for the full HMICS inspection which is scheduled to take place in the autumn.

3. Areas of Contention

3.1 Notwithstanding areas of progress, two recommendations have become contentious. Namely, holding SPA committee meetings in private and the timing of issuing Board papers publicly.

Private Committees

3.2 In terms of Committees meeting in private, this recommendation was intended to improve the sharing of information between Police Scotland and the SPA and ensure an earlier dialogue so that the SPA's governance could be more proactive. This did not preclude the option for the Chairs of Committees inviting interested parties and stakeholders to attend to participate in consideration of agenda items. Certain stakeholders such as Audit Scotland or HMICS would, of course, have had access as required. To ensure greater transparency, the Board agreed a safeguard that decisions could not be made by Committees and that all decisions would require to be brought forward to the full Board for approval. These changes were finally approved by the Board in December 2016 and fully implemented in the early part of 2017. While this recommendation has been in the public domain since March 2016, its implementation has generated concerns from a number of stakeholders, Parliamentarians and others that it constrains openness and transparency. HMICS have brought forward part of their inspection to consider this aspect of openness and transparency.

Publication of Papers

3.3 On the timing of issuing of Board papers, the review led to a shift to publication on the day of the respective meeting. This was to allow more time for officers to ensure the papers were of the requisite quality and to give individual Board Members an opportunity to consider the papers before the issues were the subject of public comment. Agendas were published in advance - seven days before public session Board meetings - to ensure that stakeholders could assess the relevance of the meeting for their interests, or if they needed to attend/observe. However, concerns have been raised that receiving papers on the day of the Board meeting did not give the public, or stakeholders, time to fully assimilate the information and, despite the improved quality of papers, this impacted on their ability to fully understand Board discussions. In March 2017, the Board agreed to pilot issuing the papers to a broad list of stakeholders 48 hours in advance under embargo. Feedback on this has been positive and we have, therefore, continued the practice for the 25 May meeting. Some stakeholders would like us to provide papers earlier still. However, while Police Scotland and SPA's processes are maturing we are not yet at the point of being able to do this much earlier. It is still our belief that Board

Members should be in receipt of papers shortly before they are made public.

4. Chair's Consideration and Recommendations

4.1 The work of the SPA and its interaction with Police Scotland is in a much better position than when the Review of Governance in Policing was written and the recommendations were made in March 2016. The Board is engaged by Police Scotland at a much earlier stage and information flows are of much higher quality. Committees are already operating more effectively and the new Policing Committee has established itself. Board papers are of higher quality and clarity and timing of receipt of papers is improving. While there is more to do, it may be timely to relax these two recommendations.

4.2 In addition, the workload of the Board has been increasing and there is a need to ensure there is effective communication amongst the Board Members. The Police and Fire Reform Act, 2012 provides for the role of a Deputy Chair to be selected from the Members of the Board. Not only would such an appointment increase leadership capacity, it would also provide a sounding board for the Chair and a conduit for Members' concerns if necessary. The SPA to date has not had a Deputy Chair although this has been in effect for some time at the Scottish Fire & Rescue Service.

4.3 It is, therefore, proposed that:

Recommendation 1 – SPA Committees in Public

The Board should revert to holding Committee meetings in public wherever possible. The Committee should follow the criteria outlined within the SPA Corporate Governance Framework (Section 28) for any items that cannot be held in public which would cover such areas as commercial confidentiality, security and personnel. Agendas and papers for these meeting should follow the same procedures as for the Board. Decision-making should continue to be reserved for the Board. The Committees should consider how best to ensure effective engagement and participation from attendees rather than simply observation of the meetings.

Recommendation 2 – Further Transparency of Full Board Sessions

Closed Board meetings have been scaled back and more rigorous criteria have been established for when items still have to be held in closed session. This may include security, commercial confidence or where matters must first go to Scottish Government or Parliament before they are disclosed publicly. To enhance transparency, the agendas for these few closed meetings should be published (redacted if necessary) and a summary of the business conducted in closed session published as part of the papers for the next public meeting.

Recommendation 3 – Advance Board & Committee Papers

Agendas should continue to be published for public session Board seven days in advance, and this requirement will now be extended to all Committee meetings. Based on a review of other public bodies and to keep papers current, it is recommended that papers are made publicly available on the SPA website three working days in advance of meetings. An email with the weblink will be sent to key stakeholders to advise that the papers are available. This timescale should remain under review and consideration given to improving this if possible. SPA will continue to request that an embargo on the reporting of papers is observed until the commencement of the meeting concerned. The public and key stakeholders will be encouraged through a dedicated mailbox facility to advise the Authority ahead of the meeting of any key issues or questions they would like to see being considered by the Board. The Chief Executive would monitor this and advise the Board on the relevancy and competency of the matters raised.

Recommendation 4 – Appointment of a Deputy Chair

To improve the effectiveness of the Board, improve communication and increase capacity, the Board should, as permitted by the relevant legislation, consider the appointment of a Deputy Chair. The legislation requires that this is a current Board Member and selection is based on nomination and approval by Board Members.

In anticipation of this the Chief Executive has initiated a nomination process with Members the results of which will be communicated publicly at the Board meeting on 25 May. If the Board accepts this recommendation, then nominations will be voted on at the Board and an appointment made.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications associated with this paper.

6. PERSONNEL IMPLICATIONS

6.1 There are no direct personnel implications associated with this paper.

7. LEGAL IMPLICATIONS

7.1 There are no direct legal implications associated with this paper.

8. REPUTATIONAL IMPLICATIONS

8.1 SPA acknowledges that its decisions on the Governance Framework in December 2016 had reputational implications that it did not fully recognise. Addressing the two issues of contention around committees and papers, together with the further enhancements proactively proposed within the recommendations, are important signals to stakeholders of the SPA's continuing commitment to listening to feedback and beginning to rebuild reputation and relationships.

9. SOCIAL IMPLICATIONS

9.1 There are no social implications associated with this paper.

10. COMMUNITY IMPACT

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

11. EQUALITIES IMPLICATIONS

11.1 There are no equalities implications associated with this paper.

12. ENVIRONMENTAL IMPLICATIONS

12.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are asked to:

- i) Consider and APPROVE the further Recommendations 1-4 above;
- ii) Request that the SPA Chief Executive ensures that action is taken to implement the changes with effect from 1 June 2017;

and

- iii) Ensure that, where appropriate, the SPA Corporate Governance Framework is revised to properly reflect the Board's decisions.