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| Meeting | Audit Committee |
| Date | April 2018 |
| Location | Pacific Quay, Glasgow |
| Title of Paper | SPA Improvement |
| Item Number | Item 12.1 |
| Presented By | Lynne Clark, Programme Development Manager |
| Recommendation to Members | For Information |
| Appendix Attached | No |

PURPOSE

To provide SPA Audit Committee with an update on the progress of improvement activity being undertaken within SPA in response to recommendations from reviews over 2017 and 2018.

1. BACKGROUND

A wide range of audits, inspections and improvement reviews of SPA have been undertaken and published throughout 2017 and 2018. Areas of concern requiring actions to be taken have also been noted by the Parliamentary Committees for Justice and for Public Audit and Post-Legislative Scrutiny. Taken together, the recommendations from each of these reviews underpin the improvement activity which is well underway within SPA.

Fifteen sets of recommendations are contained within these reviews, as listed in Appendix A. In total the sets of recommendations comprise over 200 actions to be led by SPA, out of a total of over 350 actions for all three constituent organisations (SPA, Police Scotland and the Forensic Service. Some of the sets of recommendations relate only to SPA, but others to actions that need to be taken by Police Scotland or by the Forensic Services and reported to the SPA. Several similar recommendations also appear in more than one review or report.

The HMICS Thematic Inspection of SPA Forensic Services identified 23 improvement recommendations of which 5 are for the SPA to lead on and 18 for the Forensic Service itself. These are all being managed separately under the Forensic Services governance framework. This means that the Forensic Services Committee will have oversight of this work as per the terms of reference.

“Oversee the implementation of improvement recommendations made in relation to the Forensic Service by scrutiny/inspection bodies or the SPA”

The Director of Forensic Services is accountable for the delivery of the action plan which was developed in response to the HMICS recommendations.

Similarly, the Scott-Moncrieff Review of Police Scotland Governance structures identified 11 recommendations, of which 5 are for SPA and Police Scotland to take joint action. All actions are being managed, monitored and reported to Police Scotland

2. KEY THEMES

As outlined to the Audit committee in January, the SPA is taking a new approach to managing the improvement recommendations. The recommendations have been grouped into four key themes that make up the programme of improvement currently being undertaken across SPA:

- Supporting improved governance
- Improving SPA staff capacity and capability
- Improving policies and processes
- Building external engagement and relationships

The individual recommendations by key theme are listed at Appendix A.

The SPA Chief Officer provided a summary report on improvement activity to the SPA Board on 29 March 2018.

2.1 SUPPORTING IMPROVED GOVERNANCE

This includes recommendations concerning the governance documentation, the operation of the Board and its committees, how meetings are conducted and board training and development.

Progress Summary

Corporate Governance documentation: As part of a comprehensive review of the corporate governance documents, policies and processes across the SPA, the following documents are in the process of being reviewed and, where necessary, updated:

- Financial Regulations
- Police Scotland Scheme of Financial Delegation
- SPA Scheme of Delegation (financial aspects)
- SPA Budget monitoring and month end guidelines
- Forensic service Budget monitoring & month end guidelines
- Financial Protocol
- Governance and Accountability Framework
- Monitoring arrangements for the Reform and Change funding
- Relocation policies (officers and staff)
- Board member entitlement guidance

This work will ensure that the systems and processes in place are robust and fit for purpose now and for the future and do not create unnecessary duplication or complexity.

Financial governance:

Recommendations relating to financial governance are contained within: the 2016-17 external and internal audits, the letter to the Justice Committee dated 11 January 2018, the Scott-MMoncrieff review of Police Scotland Governance and the HMICS review of firearms (see Appendices A and B).

The corporate governance documents relating to financial governance, systems and procedures will ensure that the designated accountable officer is able to discharge his/her duties with regard to propriety, regularity and value for money of public funds.

Relocation policies: Recommendations and areas of concern relating to relocation policies are contained within the 2016-17 external audit, and the Parliament's Public Audit and Post-Legislative Scrutiny committee sessions held on 21 December 2017 and 25 January 2018. (see Appendices A and B)

The extant relocation policies for police officers and civilian staff are being examined in detail. The immediate focus has been to ensure appropriate changes to financial processes associated with relocation payments including the requirement for all relocation payments to be paid through payroll. The next phase and current focus is a review of

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internal governance processes in relation to decisions on relocation payments and rules of escalation, particularly for areas where a payment is requested above the recommended policy amount or outwith the expected timescale. It is intended that this review will be supported by a review of all relocation payments made since the creation of Police Scotland with the review and recommendations being concluded by June 2018.

Following the key work carried out in terms of internal governance the third phase will be consideration of any requirement to consider negotiating any changes to terms and conditions or Guidance through the Police Negotiating Board for Police Officers. Relocation for staff is being considered and negotiated as part of Staff Pay and Reward Modernisation. It is intended that any discussion through PNB will not commence until completion of the work in relation to internal governance processes with any discussion/negotiation at PNB anticipated to be concluded by March 2019.

Board development:

Recommendations relating to the SPA board are contained within: The HMICS Openness and Transparency review, the 2016-17 external audit report and section 22 report and the Marchant Burr Executive Review. (see Appendices A and B)

The Chair has instigated a series of strategic Board workshops on oversight of Policing 2026 implementation plans and on strengthening SPA governance and accountability, with external inputs from HMICS, Audit Scotland and others. A key part of this improvement programme is to streamline and prioritise the Board's activities to focus in on the issues of most strategic importance and risk, and where scrutiny and challenge is most effective in holding policing to account. As new Members join the refreshed Board, future workshops will include sessions focused on vision and values and On Board Guidance, as well as opportunities to think afresh about Committee structures for the future.

Board member entitlement guidance:

The board member entitlement guidance is in the process of being updated to ensure a clear, consistent and robust approach is in place with an efficient and user-friendly system for claiming remuneration and expenses. The revised guidance will be in place by May 2018.

Succession Planning and senior officer recruitment:

Recommendations relating to succession planning and senior officer recruitment are contained within the 2016-17 external audit report and raised as areas for concern within the Parliament's Public Audit and Post Legislative Scrutiny Committee session on 25 January 2018.

As announced on 23 March 2018, 7 new members have been appointed by Scottish Ministers and will join the board over the coming months as their existing commitments. Applications for the existing vacancies at Deputy Chief Constable and Assistant Chief Constable level were advertised on 5th April 2018. The permanent posts of Chief Officer of the SPA and Chief Constable are likely to be advertised in the next few weeks.

2.2 BUILDING SPA STAFF CAPACITY & CAPABILITY

These recommendations include actions to strengthen the staffing structure and resources of the SPA.

Progress Summary

Capacity and capability:

Recommendations relating to the capacity and capability of the SPA are contained within the Marchant–Burr review, the 2016-17 external audit and section 22 reports and the letter to the Justice committee of 11 January 2018 (see Appendices A and B).

Following publication on 2 March of the review of the SPA Executive conducted by Nicola Marchant and Malcolm Burr, work is now being taken forward to build new capacity and capability within the SPA's executive team. That work will include developing and consulting on a new structure for the organisation which will better support the delivery of SPA's core functions. An all-staff workshop was held on 13 March 2018 to enable colleagues to contribute to this work, and initial discussions have been held with the JNCC, and Police Scotland HR to support the creation of a target operating model. Discussions have been undertaken with Neil Dickson, in OD to provide resources to support the programme, and a further staff session was held at PQ on the 20th March to progress with the momentum created on the 13th March. It is anticipated that a draft target operating model will be available to the Chief Officer towards the end of April.

In addition the Information Commissioner's recommendations highlighted the requirements to build the skills and knowledge within SPA around data protection and this will be picked up through the work ongoing within the GDPR Project (see section 2.3).

2.3 POLICY & PROCESS

These recommendations include actions to ensure that specific policies and processes are improved and implemented:

Progress Summary

The refresh and development of SPA's processes and procedures will be an ongoing piece of work as the SPA corporate structure, the governance framework and policies are all further developed.

Some of the key areas which have been highlighted in improvement recommendations and where work is ongoing are noted below.

Business Continuity - The Internal Audit report of March 2017 highlighted a gap around the ongoing management of business continuity within SPA. Since then SPA and Forensic Services have refreshed their Business Continuity Plans and Business Impact Assessments. These have been agreed respectively by the SPA Senior Management Group and the Forensic Services Management Team.

SPA is now included on the police Scotland testing schedule to ensure ongoing improvements to the existing process can be captured in further iterations of the plan.

A full staff awareness session is planned for May 2018 to ensure widespread understanding of the plan and process is communicated.

Complaints Handling - Work continues to strengthen SPA Complaints handling processes and capabilities. A working group has been established to review the approach for SPA complaints procedures and will provide updates on progress to the SPA Complaints & Conduct Committee and the SPA Board.

A collaborative approach to achieving robust processes and procedures has meant close working with Police Scotland and advisors and subject matter experts in the field of complaint handling.

SPA Complaints handling staff participated in a 2 day certificated course in a professional award in ombudsman and complaint handling practice at

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Queen Margaret University, Edinburgh in February. Continued professional development of SPA staff will take place over the coming months.

Milestones still to be met include: delivery of training for SPA Board Members, a reviewed and refreshed SPA Complaints Handling Procedure and the creation of a work plan for the Complaints & conduct Committee.

This work takes into account the recommendations laid out in the audit of SPA Complaints Handling, conducted by the Police Investigations and Review Commissioner (PIRC).

The General Data Protection Regulation (GDPR)

Recommendations relating to GDPR compliance are contained within the Information Commissioner's audit report of October 2017 and internal audit report of GDPR readiness of December 2017.

GDPR is European legislation which, in May 2018, will replace much of the existing Data Protection legislation in the UK. The purpose of the GDPR is to strengthen data protection for all individuals within the European Union. The processing of personal information for national security and law enforcement purposes is covered by a separate Directive known as the Law Enforcement Directive (LED).

The work to deliver the requirements of the GDPR legislation has been established now as a project. SPA's preparations for the GDPR project will encompass many of the recommendations which resulted from the ICO review.

A review of SPA's Information Assets has now commenced. Stage one represents the collation of the data from each business area. This data will then be analysed in order to inform areas where further work is needed to ensure compliance. This is the largest piece of work required for the project, but will also bring the biggest business benefits in terms of understanding our information assets and their value/location.

In parallel, work has now commenced on the review of all the SPA policies relating to information management. This provides a critical and independent view of the requirements for renew/refresh to ensure all policies are in line with the new compliance regulations. There are around 10 internal policies to be reviewed, plus a number to be drafted as required by the ICO audit and GDPR requirements.

Work continues across Police Scotland, Forensic services and SPA, ensuring a joined up approach wherever possible is being managed for the delivery of GDPR across the Policing including documentation, training

materials etc. To further support this a weekly call has been set up between SPA and Forensic Services.

This approach includes a standing invite for SPA and PS to each of the Project Boards and the sharing of reports. Furthermore, a practitioners group will also meet on a regular basis to ensure that information is cascaded down to practitioners.

Police Scotland and SPA staff also met with representatives of Glasgow City Council who have agreed to share best practice going forward.

The ICO has indicated that a follow up audit will take place around about October 2018.

A full report on the GDPR project is included as a separate agenda item at this meeting.

2.4 ENGAGEMENT & RELATIONSHIPS

Recommendations relating to SPA's engagement and relationships are contained within the HMICS review of openness and transparency, the Marchant-Burr report, the HMICS review of the forensic service and the Information Commissioner's audit of the SPA (see Appendices A and B).

These recommendations include actions to review, refresh and expand SPA's stakeholder engagement.

Progress Summary

The SPA continues to increase its strategic engagement with stakeholders. The purpose has been to seek input to the SPA's own improvement activity, to build mutual understanding and to develop relationships which support and improve policing in Scotland.

Some key examples are noted below:

- a first meeting of a Chair's Forum, bringing together the range of staff associations and trade unions which represent the policing workforce to share views and insights on upcoming issues;
- together with COSLA, Police Scotland and SOLACE, set up a joint working group to strengthen the connection between national and local scrutiny arrangements, develop a shared evidence base, and support service improvement. This followed up SPA engagement in February with COSLA's political and police scrutiny leads;

- supported the strengthened dialogue between the SPA and Parliament through written SPA evidence to the Scottish Parliament's Public Audit and Post Legislative Scrutiny Committee and Justice Sub-Committee on Policing;
- work continues to improve the SPA's website. In addition, the 'livestream' video footage from SPA board meetings is now cut and split into agenda items. This makes the footage more accessible and easy to navigate. Further changes to the structure and design of the website will get underway in April.

3. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications in this report. However the individual action plans which make up the improvement activity may have financial implications.

4. PERSONNEL IMPLICATIONS

4.1 There are personnel implications associated with this paper.

4.2 Gaps which existed within the current establishment of SPA have been addressed by SMG on an interim basis through recruitment and secondment positions. These resources will increase the capacity within SPA and allow further work to be progressed on implementing the improvement activity on a priority basis.

4.3 SPA will go through a period of re-focus, resulting from the review undertaken by Nicola Marchant and Malcolm Burr which should address resourcing capacity issues on a permanent basis.

5. LEGAL IMPLICATIONS

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

5.2 While not directly associated with the content of this paper, the non-compliance of SPA with the ICO audit recommendations (which underpin the GDPR legislation) could result in penalties for SPA.

6. REPUTATIONAL IMPLICATIONS

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

6.2 While no direct implications exist within this paper it is important that SPA continues to demonstrate a commitment to continuous improvement across all its functions and support to the SPA Board.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATION:

Members are requested to:

Note the improvement activity which is underway in SPA and which will address recommendations resulting from a number of audits, inspections and reviews.

REVIEWS/REPORTS 2017-18

| Date | Document | Recs for which SPA has lead responsibility | Total Recs |
|---------------|---|--|------------|
| March 2017 | Internal Audit Report 2016/17 - Business Continuity Planning | 17 | 17 |
| 21 June 2017 | HMICS Thematic Inspection of the SPA – Phase 1 Review of Openness and Transparency | 11 | 11 |
| 27 June 2017 | HMICS Review of Forensics Services | 5 | 23 |
| Oct 2017 | Information Commissioner's Audit Report of SPA | 101 | 101 |
| 9 Oct 2017 | Internal Audit Report 2016-17 | 6 | 121 |
| Nov 2017 | Audit Scotland 2016/17 Annual Audit Report | 5 | 12 |
| Dec 2017 | PIRC Audit of Complaints | 12 | 12 |
| Dec 2017 | Audit Scotland 2016/17 Report under section 22 | 3* | |
| Dec 2017 | Internal Audit Report on GDPR readiness | 6 | 6 |
| 21 Dec 2017 | Scottish Parliament's Public Audit and Post Legislative Scrutiny Committee | 5* | |
| 11 Jan 2018 | Scottish Parliament's Justice Subcommittee on Policing - Letter on the draft budget for 2018-19 | 7* | |
| 25 Jan 2018 | Scottish parliament's Public Audit and Post Legislative Scrutiny Committee | 10* | |
| 2 Mar 2018 | Review of the SPA Executive ('Marchant-Burr report') | 17 | 17 |
| 6 Mar 2018 | HMICS Inspection of Firearms licensing | 1 | 24 |
| 10 April 2017 | Scott-Moncrieff Audit of Police Scotland Governance | 5 | 11 |
| Total | | 211 | |

*these are described as areas for concern and action, rather than 'recommendations'

REVIEW RECOMMENDATIONS BY KEY THEME:**Theme 1 - Supporting Improved Governance:**

The actions concerning the operation of the Board and its committees, how meetings are conducted and board training and development and are contained within:

| Report | Recommendations |
|--|------------------------------|
| HMICS Thematic Inspection - Phase 1 Openness and Transparency | 1,2, 3, 4, 5, 6, 7, 8, 9, 10 |
| HMICS Local Policing + Inspection of Firearms Licensing | 6 |
| Audit Scotland Annual Audit Report 16/17 | 2, 7, 8, 9,12 |
| Audit Scotland report under s22 | 2,3 |
| Marchant- Burr Review of the Scottish Police Authority (SPA) Executive | 4, 5, 10, 11 |
| Justice sub-committee letter | 1,2 |
| HMICS review of Forensic services | 4,17 |
| PAPLS session on 21 Dec 2017 | 5 |
| PAPLS session on 25 Jan 2018 | 4,5,6,7,8,10 |
| Information Commissioner's report on SPA data management | Training: 2 Security: 17 |

Theme 2 – Building SPA staff capacity and capability:

The actions to strengthen the staffing structure and resources of the SPA and are contained within:

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| Report | Recommendations |
|---|--|
| Marchant Burr Review of the Scottish Police Authority (SPA) Executive | 1, 2, 11, 12, 13, |
| HMICS Thematic Inspection - Phase 1 Openness and Transparency | 11 |
| Audit Scotland audit report 2016-17 | 3 |
| HMICS review of Forensic Service | 5,6,10,12,18. |
| Justice sub-committee letter on draft budget | 3 |
| Information Commissioner's report on SPA data management | Training: 1,3,4,9,10,11,12, 15,16,18,19,20,21,22,23,24, 25,26,27,28,31,32,33, 38, 42, 43. Data Sharing: 5 |
| Scott-Moncrieff report on Police Scotland Governance structures | 8 |

Theme 3 - Policy and Process:

These recommendations include ensuring that specific policies, processes and procedures are improved and implemented and are contained within:

| Report | Recommendations |
|--|--|
| Internal Audit Report 16/17 - B3.2 Business Continuity Planning | Control Objectives 1 - 6 |
| Internal Audit Report 2017/18 – GDPR Readiness | Control Objectives 1 - 6 |
| PIRC Audit of SPA Complaints handling | 1 - 12 |
| Marchant- Burr Review of the Scottish Police Authority (SPA) Executive | 3, 11, 13, 14, 15, 16, 17 |
| Information Commissioner's Audit | Security – 7, 8, 11, 15, 16, 18, 22, 23, 24, 27, 28, 35, 36, 37, 39, 41, 42, 44, 46, 49, 50, 51, 54, 55, 56, 57, 58, 68, 69, 71, 72, 73, 74, |

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| | 75, 80, 81, 83, 82, 85, 87, 88, 89, 90, 91, 93, 94, 95, 97, 98, 100, 101, 103, 104, 107, 108 Suggest we add back in the data sharing (being managed under the GDPR project not the SPA staff development) Data Sharing: 1, 4, 6, 7, 8, 9, 10,11,12,13,14,16,18,19, 20, 21, 22, 27. |
| Audit Scotland Audit report for 2016-17 | 1,4,5,6,10 |
| Audit Scotland report under s22 | 1 |
| PAPLS session 21 Dec 2017 | 1,2,3,4. |
| PAPLS session 25 Jan 2018 | 1,2,3,9. |
| Justice sub-committee letter on draft budget | 5,6,7 |
| HMICS report on Forensic services | 2,3,7,8,9,11,13,14,15,16,20,21 22, 23. |
| Scott-Moncrieff report on Police Scotland Governance | 7,8,9,10,11. |
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Theme 4 – Engagement and relationships

These recommendations include actions to review, refresh and expand SPA’s stakeholder engagement and are contained within:

| Report | Recommendations |
|---|--|
| Marchant Burr Review of the Scottish Police Authority (SPA) Executive | 6, 7, 8, 9, 11. |
| HMICS review of SPA Openness and Transparency | 4 |
| HMICS review of the Forensic Service | 1,19 |
| Justice sub-committee letter on draft budget | 4 |
| Information commissioner’s audit of SPA data management | Data sharing 3,4,6,7,10,11,12,13,14,16,18,19,21,23. |

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| Scott-Moncrieff report on Police Scotland Governance structures | 8 |
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