

SCOTTISH POLICE
AUTHORITY

Meeting	Public SPA Board Meeting
Date	28 September 2017
Location	Jurys Inn, Inverness
Title of Paper	Thematic Inspection of the Scottish Police Authority – Phase 1 Review of Openness and Transparency
Item Number	13
Presented By	John Foley
Recommendation to Members	For Approval
Appendix Attached	Yes

PURPOSE

To provide Authority members with the summary improvement plan in response to the HMICS Inspection Phase 1 for approval.

To provide Authority members with an update on work to progress the recommendations.

1. BACKGROUND

- 1.1 HMICS Published its *Thematic Inspection of the Scottish Police Authority – Phase 1 Review of Openness and Transparency*¹ on 21 June 2017. The review made 11 recommendations. Authority members noted the publication of the review and its recommendations at the Public Board meeting on 22 June 2017.
- 1.2 A short update was provided to Members at the August Board and an action was taken to bring an improvement plan forward for approval.

2. RESPONSE TO THE HMICS REVIEW

- 2.1 A plan has been put in place to deliver the improvements detailed within the HMICS report. The action plan is attached at **Appendix A**.
- 2.2 A draft of this plan has been shared and discussed with HMICS. HMICS has developed a clear process to review evidence provided by SPA to allow them to discharge the recommendations and an SPA point of contact has been established.
- 2.3 It is proposed that SPA should establish a working group to oversee the implementation of the HMICS recommendations from the Thematic Inspection Phase 1 – Openness and Transparency and to include any ongoing improvement actions from other reviews, audits or inspections.
- 2.4 The working group will oversee the approach, direction and the successful delivery of the improvement plan. It is proposed that this group is Member led to ensure there is clear alignment between the Board’s vision for overall improvement in SPA while assuring the immediate improvements to the governance framework and ongoing more widely focussed improvements.
- 2.5 Reporting of progress of the action plan to deliver the HMICS recommendations will be to the working group and a summary report to the SPA Board on a quarterly basis.

¹ <http://www.hmics.org/publications/hmics-thematic-inspection-scottish-police-authority-phase-1-review-openness-and-0>

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications in this paper.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper.

It is important that through its framework of governance, SPA can demonstrate openness and transparency in all areas of business.

This includes establishing a continuous improvement approach to governance.

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.

RECOMMENDATIONS

Members are requested to:

- a. Approve the draft action plan
- b. Approve the proposal to establish an Improvement Working Group
- c. Note the progress made to date

Appendix A –Improvement Action Plan

Thematic Inspection of SPA – Phase 1 Review of Openness and Transparency, published 22 June 2017			
Recommendation	Activity	Timescale (est.)	Status
Meetings in Private			
Recommendation 1 The Scottish Police Authority should revert to holding Board and committee meetings in public and Board and committee papers should be made publicly available in advance of meetings.	Complete prior to HMICS report		
Recommendation 2 The Scottish Police Authority should review its current meeting structures and make a clear distinction between public committees and private working groups. The revised meeting structure should be clearly documented in the Corporate Governance Framework and relevant terms of reference. Include ToR for the Forensic Committee (as per the FS inspection report)	1) Review and clarify the nomenclature of Committee or Working Group within the GF, given the non-decision-making nature of these forums.	November	
	2) Committee Chairs should review the ToR for each Committee/WG with specific regard to the function of 'oversight, scrutiny and assurance to the Board' (p 22 of the HMICS report).	November	
	3) Develop ToR for the new FS Committee to be established by 1 Sept. '17.	August	complete
	4) Document within the Governance Framework (GF) a description of assurance, reference and working groups within the SPA. Include any other types of meeting, Members Business Meeting, Advisory Group, Committee Chairs Meeting etc. a. Include new Working Groups – BTP, Cyber, Transformation (for Board approval – mid-August) b. Describe and document in the GF the output from each of these – minutes, meeting note, action log etc.	November	
	5) Make clear the 'observer' role in any of the meetings – staff associations and Unions (HMICS risk identified in Phase 1 inspections report) see recommendation 1 from the SPA May Board – see also point of note in Justice Sub-Committee letter to Cabinet Secretary for justice	November	
Recommendation 3 The Scottish Police Authority should cease the current practice of holding a private pre-meeting of the Board on the day of the formal Board Meeting and ensure that all items for public decision by the Board are discussed at the formal meeting. This should not prevent the use of private pre-agenda planning meetings.	1) Review the content and use of the pre-meetings held directly prior to SPA Board meetings and publish a description of this in the GF.	November	
Recommendation 4 The Scottish Police Authority should ensure that all formal Board and committee meetings are publicised with their full agendas, indicating which items are to be considered in private. The Chief Executive in consultation with the Chair and Chairs of committees should determine which items are to be held in private and all papers tabled in private session should be clearly marked with the specific criteria used to justify their exclusion from public sessions. Minutes should be maintained for all private sessions of the Board and committees.	1) Review the criteria for holding items in public or closed session and update within the GF (see rec. 2 from SPA May Board).	August	complete
	2) Establish and document in the Operations Manual (OM) the process for deciding what is taken in closed session and who the decision-makers are. Amend wording in GF to clarify	November	
	3) Ensure that any agenda items taken in closed reference the appropriate criteria and that this is published along with the agenda and papers for the Board meeting (see rec. 2 from SPA May Board).	August	complete
	4) Maintain a minute of the closed sessions (see rec. 2 from SPA May Board).	August	complete
Recommendation 5	1) Review other public sector organisations and their approach to recording meetings and develop a corporate	tbc	

<p>The Scottish Police Authority should review its approach to minute taking, including the format, quality, approval, storage, publication and retention of minutes for all private, closed and public meetings. The revised processes should be clearly documented in the Corporate Governance Framework and made publicly available in relevant terms of reference.</p>	style for SPA.		
	2) Review the SPA approach to recording meetings and develop a clear policy and process for the approval, storage, publication and retention of meeting minutes/notes and document this in the OM.	tbc	
	3) Set clear expectations and guidance for officers involved in the process (at 2 above) and ensure ongoing communication regarding any changes to that process. Provide regular feedback to officers with any recommendations to improve the support.	tbc	
	4) Review the capacity within CEO business Unit to support increased number of meetings (<i>HMICS risk identified in the HMICS Phase 1 report</i>)	In line with review of structure	
Distribution of Papers and Management of Meetings			
<p>Recommendation 6 The Scottish Police Authority should consider postponing the planned internal six-month review of corporate governance arrangements and instead develop future proposals to evaluate the improvements to governance arrangements envisaged from this inspection and other scheduled reviews, audit and inspection activity. This should not inhibit further improvement of the framework in the short term.</p>	1) Document all the external reviews and audits due to take place over the coming 6 – 8 month period and the proposed terms of reference (or trigger point) for each.	August	complete
	2) Determine a repeatable process to oversee any recommendations made in these reviews to ensure they are supported and managed appropriately within SPA. Document the process, the governance arrangements and the engagement with external agencies to see these through to discharge.	November	
	3) Identify how governance improvement will be evaluated going forward and implement.	tbc	
	4) Review the remaining recommendations from the Chair's Review of Governance in Policing and plan and complete as appropriate along with the new recommendations from HMICS (<i>see below for remaining activity</i>).	tbc	
	5) Complete outstanding governance policies referenced in the GF (<i>HMICS risk identified in Phase 1 report</i>)	Consider as part of N Marchant/M Burr review of structure where some of this responsibility lies (e.g. environmental policy)	
	6) Plan any improvement to the GF as identified by staff and stakeholders from December '16 to June '17.	August	complete
Awareness and Understanding (leadership, skills and support)			
<p>Recommendation 7 The Scottish Police Authority should ensure that all new Board members receive training in both On Board guidance and diversity and equality awareness as part of their induction programme. This should also be included in regular refresher sessions for existing members.</p>	Tbc – seeking further input	tbc	
<p>Recommendation 8 The Scottish Police Authority should hold a development session with the Chair, Chief Executive and all Board members to ensure there is consistent and clear understanding of On Board guidance, collective responsibility, supporting processes and relative roles.</p>	Tbc – seeking further input	tbc	
<p>Recommendation 9 The Scottish Police Authority should introduce a formal procedure for Board members to raise and escalate grievances or other workplace issues.</p>	<p>1) Develop a process for Members to enable them to escalate grievances/issues. (Review other public bodies to inform this development.)</p> <p>2) Document this within the GF.</p>	tbc	

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Recommendation 10 The Scottish Police Authority should review its processes for addressing concerns around a member's conduct. This should include the authority and processes by which a member may be removed from committees or otherwise subjected to restrictions that would prevent them from fulfilling their statutory function. This should also include an appeals process. These revised processes should be clearly documented in the SPA Standing Orders.	1) Review and if appropriate update the 'Code of Conduct' for Members (currently based on the established model)	November	
	2) Define within the GF the process for appointment/removal of Members to/from committees.	November	
Recommendation 11 The Scottish Police Authority should as a matter of urgency review its internal executive structures and provide the necessary capacity to support the Chair, Board and Authority to fulfil its statutory functions.	1) This recommendation will be informed by the Structure Review being undertaken by Nicola Marchant & Malcolm Burr. <ul style="list-style-type: none"> There are a number of the recommendations from this HMICS inspection that identifies areas where responsibility/accountability should be clarified within the SPA structure. Also the improvement actions identified at the SPA Away Day highlighted areas where there are possible gaps in the structure. 	In line with the review of structure	
Recommendations introduced by the SPA Chair at the Public Meeting, May 2017			
Recommendation	Activity	Timescale	Status
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.	1) complete	August	Complete
	2) Review the criteria for holding items in public or closed sessions and update within the GF (see rec 2 in HMICS phase 1 inspection)	August	complete
	3) Implement fully stakeholder engagement mechanisms and determine approach to evaluate effectiveness (HMICS risk identified in the Phase 1 inspection)	November	
	4) Make clear the 'observer' role in any of the meetings – staff associations and Unions (HMICS risk identified in Phase 1 inspection report)	November	
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.	1) Criteria review and strengthened as required. (See recommendation 4 above – HMICS inspection)	August	complete
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	1) Committee agendas to be published in line with the Board arrangements and this will be clarified in the GF. 2) Papers will be published 3 days in advance of the meetings and this will be clarified in the GF. 3) Clarify within the GF how often it will be reviewed and refreshed.	August	Complete

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<p>observed until the commencement of the meeting concerned.</p> <p>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</p>	<p>4) Fully define the internal process for managing and responding to the public questions and document in the OM.</p> <p>5) Update the website – more clarity required around what the questions are relating to. Consider the embargo request for public papers.</p> <p>6) Add the Mailbox address within the GF.</p>	<p>August</p>	<p>Complete</p> <p>complete</p>
<p>Recommendation 4 – Appointment of a Deputy Chair</p> <p>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.</p> <p>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.</p>	<p>complete</p>		<p>complete</p>
<p>Remaining activity from the Chair’s Review of Governance in Policing, March 2016 (End Project Report)</p>			
<p>Recommendation</p>	<p>Activity</p>	<p>Timescale</p>	<p>Status</p>
<p>Local Accountability Development</p> <p>Police Scotland should ensure that their local engagement programmes are directed at a wide range of local organisations. While a key audience must be the Local Scrutiny Committee, other parties such as Community Planning Partnerships must have an opportunity to understand and comment on policing activities, performance and plans. (4)</p>		<p>July ‘17</p>	
<p>Local Accountability Development</p> <p>Greater consideration needs to be given to the differing policing needs of local communities. While an aspiration of equality of service is commendable, any policy or practice must ensure that it is capable of being adapted in its implementation to make it more appropriate for local needs. In this regard, where possible, local commanders should be given more autonomy on how policies and practices are implemented while also achieving the overall policing aim. (5)</p>		<p>July ‘17</p>	
<p>Local Accountability Development</p> <p>Police Scotland should ensure that feedback provided by Local Scrutiny Committees is effectively responded to, including detail on how their feedback has impacted on decision making and, where it has not, the reasons for that decision. There must be clear communication channels that ensure feedback is directed through to decision makers and local commanders are fully briefed on why the final decision has been taken. Decisions relating to or activity by national units must be effectively relayed to Local Policing and an engagement plan initiated. (6)</p>		<p>July ‘17</p>	
<p>Operations Manual</p> <p>Governance of major projects and programmes should be overseen by SPA at an appropriate level, depending on the scale, scope and impact of each project. This could be achieved in a number of ways but must allow SPA to have full awareness of progress and identify when decisions have to be brought to the full SPA Board. (17)</p>	<p>1) Set up of a Transformation forum to provide assurance on the delivery of the transformational change activity within policing.</p> <p>2) Define membership and terms of reference.</p>	<p>August</p>	
<p>Operations Manual</p> <p>A complete review of the information and reporting requirements of both Police Scotland and the SPA should be undertaken. This should cover both routine, transactional reporting as well as analytical and comparative information required for performance management. This needs to be informed by the setting of an agreed performance framework and the</p>	<p>1) Further update to be undertaken on the Scheme of Delegation to improve the flow of business as usual. <i>(see HMICS rec. 6 above)</i></p> <p>2) Development and implementation of the PS performance framework</p>	<p>October (along with</p>	

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<p>modus operandi of the SPA as mentioned in earlier recommendations. (22)</p>	<p>3) Development and implementation of the SPA performance framework</p>	<p>the implementation Plan) October (along with the Business Plan)</p>	
<p>Operations Manual In determining information requirements for the SPA, operational information should be focussed on exception reporting only. A greater emphasis on strategic information, comparative analysis and benchmarking is required. The volume and quality of financial information should be enhanced significantly. (23)</p>	<p>1) Continuous review of the information being brought forward – in particular the financial information</p>	<p>ongoing</p>	
<p>Operations Manual Progress on updating information processing and management systems should be accelerated to reduce cost, improve turnaround times and allow for more open interrogation of data. (26)</p>		<p>Timescales are per the P2026 implementation plan</p>	
<p>Governance Framework In setting our information requirements, emphasis should be given to ensuring that the SPA can demonstrate improvements in the quality of service that Police Scotland is providing. (25)</p>		<p>ongoing</p>	
<p>Stakeholder Engagement Model SPA and Police Scotland should re-visit their communication strategies and make their commitment to partnership working across the public sector more explicit. (30)</p>		<p>Q2 Q4 17/18</p>	