

Meeting	Public SPA Board Meeting
Date	Tuesday 19 December 2017
Location	City Suite, Apex City Quay, Dundee
Title of Paper	Establishing a Complaints & Conduct Committee
Item No.	9
Presented by	Robin Johnston
Recommendation to Members	For Approval
Appendix Attached	Yes – Committee Terms of Reference, Governance Framework and Scheme of Delegation

**PURPOSE**

The purpose of this paper is to seek Board approval for the proposal to establish a Complaints and Conduct Committee.

## **1. BACKGROUND**

- 1.1 At its meeting in December 2016, the Board approved a Corporate Governance Framework and associated governance documents (e.g. the scheme of delegation) which set out the arrangements for ensuring appropriate oversight and scrutiny of both Police Scotland and the Authority itself.
- 1.2 The Governance Framework included changes to the Committee structure, most notably the establishment of the Policing Committee and, more recently, the Forensic Services Committee. The functions previously performed by the Complaints and Conduct Committee were transferred to other committees, such as the Policing Committee and also, through changes to the scheme of delegation, to the Chief Executive Officer (now the Chief Officer).
- 1.3 The Board's approval of the Governance Framework was conditional upon keeping the Framework and other governance documentation under review to ensure that any potential improvements which emerged following the implementation of the new arrangements could be considered and incorporated as necessary.
- 1.4 A recent review of complaints handling arrangements within the SPA has suggested a need to establish a Complaints and Conduct Committee with decision-making powers in respect of the functions it performs. In particular, it is considered that establishing a Complaints and Conduct Committee would allow appropriate decisions to be taken by a single body rather than being divided between the Board and Chief Officer, as is presently the case.

## **2. FURTHER DETAIL ON REPORT TOPIC**

- 2.1 In order to effect this proposed change, the terms of reference for the committees have been amended to include draft terms of reference for a Complaints and Conduct Committee. The scheme of delegation has also been amended to remove the Chief Officer's functions in respect of complaints and conduct functions; in terms of the proposals these would be performed by the new committee. Consequential changes have also been

made to the Governance Framework to provide for the proposed new committee to have decision-making powers.

- 2.2 Subject to the views of the Board, it is proposed that the changes to the Framework, Committee terms of reference and Scheme of Delegation take effect on 1 January 2018. Up until that date, the Board and Chief Officer would continue to perform the functions provided for in the current governance arrangements.

### **3. CONCLUSION AND RECOMMENDATION**

- 3.1 It is recommended that the Board considers establishing a Complaints and Conduct Committee with the terms of reference as proposed.
- 3.2 In the event, that the Board is supportive of that proposal, it is recommended that the changes to the governance arrangements designed to achieve this take effect on 1 January 2017

### **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications associated with this report.

### **4. PERSONNEL IMPLICATIONS**

- 4.1 There are no direct personnel implications associated with this report.

### **5. LEGAL IMPLICATIONS**

- 5.1 The handling of complaints and misconduct allegations is regulated by legislation. The proposal to establish a Complaints and Conduct Committee is intended as a means of performing the SPA's functions under that legislation.

### **6. REPUTATIONAL IMPLICATIONS**

- 6.1 There are no direct reputational implications arising from with report.

### **7. SOCIAL IMPLICATIONS**

- 7.1 There are no social implications directly associated with this report.

### **8. COMMUNITY IMPACT**

8.1 There are no community impact implications directly associated with this report.

## 9. EQUALITIES IMPLICATIONS

9.1 There are no equalities implications directly associated with this report.

## 10 ENVIRONMENTAL IMPLICATIONS

10.1 There are no environmental implications associated with this report.

### RECOMMENDATIONS

The Board is asked to:

**APPROVE** the proposal to establish a Complaints and Conduct with the terms of reference as proposed, and with membership to be appointed.

**APPROVE** the proposal whereby the relevant changes to the governance arrangements designed to establish the Committee take effect from 1 January 2018.

Approved	15 December 2016
Last Review	August 2017
Next Review	August 2018
Version	1.2

## Version Control

Version	Date	Summary	Amended by
1.0	15 Dec 2016	Approved by SPA Board	-
1.1	17 Aug 2017	Updated following initial 6 month period	Eric Leggat/Stephen Jones
1.2	19 Dec 2017	Updated to establish Complaints and Conduct Committee	Robin Johnston

## Amendments

Version	Para	Amendment
1.1	<b>Membership 3</b>	<b>Increase committee membership from two to three for all committees</b>
1.1	<b>People Committee 2</b>	<b>Purpose and scope –(iii) additional wording inserted at start of sentence and swap running order for (ii) and (iii)</b>
1.1	<b>Policing Committee 2 and 5</b>	<b>Purpose and scope – (iii) – delete the words ‘from the Chief Executive Officer’ Membership section – correct numbering sequence and at (5) after the word ‘stakeholders’ insert the words ‘Staff Associations</b>
1.1	<b>FSMAG</b>	<b>Delete</b>
1.1	<b>Forensic Services Committee</b>	<b>Terms of Reference for new FS Committee</b>
1.1		<b>Formatting amendments have been made and links added</b>
1.2	<b>Various paragraphs</b>	<b>Change of “Chief Executive” and “Chief Executive Officer” “Chief Officer”</b>
1.2	<b>People Committee para 2(ii)</b>	<b>Maintain People Committee’s role in considering workforce trends including staff grievances while removing reference to complaints about senior officers (which fall within the remit of the proposed CCC)</b>
1.2	<b>Policing Committee para 2(ii)</b>	<b>Maintain Policing Committee’s role in examining non complaint-related reports from the PIRC and HMICS; consideration of complaint-related reports would fall within the remit of the CCC</b>

<b>1.2</b>	<b>Page 19</b>	<b>Proposed terms of reference for CCC</b>
------------	----------------	--

## APPENDIX 3

### TERMS OF REFERENCE

#### AUDIT COMMITTEE

##### PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight and scrutiny of all significant audit and risk matters concerning the Authority and Police Scotland. The Committee 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 SPA. In addition, 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 audit, risk and assurance.
2. Meetings will be used to:
  - i) Review the external audit plan for next financial year and receive reports from External Audit summarising work done and emerging findings.
  - ii) Assess and evaluate the internal audit requirements of the Authority and Police Scotland, making recommendations to the Chief [OfficerExecutive](#) (as the Accountable Officer) as to how these should be satisfied and agree the annual internal audit plan for recommendation to the Board for approval. The Authority's Internal Auditor will have free access directly to the Chair of the Committee on matters relating to Internal Audit.
  - iii) Examine the findings of internal and external audits and seek assurance on the effectiveness of internal controls, both from internal and external auditors.
  - iv) Assess the Authority's and Police Scotland's response to any recommendations and seek assurance that there is a process in place to implement these recommendations which is being managed appropriately and monitor progress of discharge of related actions.
  - v) Seek assurance on the system and management of risk within Police Scotland and SPA, and review the Strategic Risk Register

(linked to the Strategic Police Plan) to assess that all mitigating actions are appropriate and effective, as well as being discharged according to agreed timescales.

- vi) Seek assurance and assess the extent to which the Authority and Police Scotland are complying with technical and regulatory requirements, insofar as they are relevant to the Committee's terms of reference. (Scottish Public Finance Manual).
- vii) Seek evidence in order to provide assurance to the Board and the SPA Chief [OfficerExecutive](#) on:
  - a) The strategic processes for risk, control and governance and the Statement on Internal Control.
  - b) 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.
- viii) Review and comment on the annual Governance Statement proposed by the SPA Chief [OfficerExecutive](#) in his/her capacity of Accountable Officer.
- ix) Examine the Authority's draft annual report and accounts and recommend approval by the Board.
- x) Seek assurance that Police Scotland and SPA have appropriate Anti-fraud policies and whistle-blowing processes in place, as well as arrangements for special investigations.
- xi) Seek evidence of compliance with the National Fraud Initiative and review the draft annual Fraud Report prior to submission to Scottish Government.
- xii) Review proposals for tendering for either internal or external audit services, or for purchase of non-audit services from contractors who provide audit services.

## MEMBERSHIP

3. Chair (“the Committee Chair”) and no more than ~~two~~ three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee’s terms of reference.
4. Members of Authority staff and Police Scotland representatives may be invited to attend Committee meetings. The Chair of the Authority and the Chief ~~Officer~~~~Executive~~ have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair.
5. The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items / subject areas.

## MEETINGS

6. The procedures for the Committee meeting are as follows:
  - i) 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.
  - ii) A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - iii) Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee chair’s discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair’s discretion.
  - iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.

- v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
- vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

### SECRETARIAT

- 7. The Chief ~~Executive~~ Officer will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.
- 8. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## **FINANCE COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight, scrutiny and assurance to the Board on all significant financial matters, including financial planning and performance, stewardship, and service improvement. 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. In addition, the Committee will seek to ensure that continuous improvement is embedded within financial processes and procedures in line with Best Value principles.

2. Meetings will be used to:

- i) Assess long and medium term financial strategies, review underlying assumptions, and financial implications of service change and improvement, and make recommendations to the Board.
- ii) Review SPA/Police Scotland input to the Government Spending Reviews and make recommendations to the Board.
- iii) Review the detailed annual budget proposals for revenue and capital, assessing the underlying assumptions, savings and investment proposals, and make recommendations to the Board.
- iv) Approve or recommend to the Board any changes to the budget during the financial year in accordance with the financial limits in the scheme of delegation.
- v) Undertake scrutiny of financial performance and gain assurance in relation to the financial stability of the organisation.
- vi) Monitor financial performance against approved financial plans and seek assurance of remedial action where necessary to ensure budgetary targets are achieved.
- vii) Review the annual financial outturn, assess the impact on existing financial strategies and make recommendations to the Board.
- viii) Seek assurance on compliance with the Scottish Public Finance Manual and other financial policies and regulations associated with funding sources.

- ix) Promote good practice and seek assurance that high standards of financial stewardship and service are delivered.
- x) Seek assurance on the competence and capability of the finance function, including staff, systems and processes, demonstrating best value and continuous improvement.
- xi) Scrutinise the rolling capital investment plan ensuring prioritisation of spend in line with the policing strategy and monitor progress of the agreed programme of property disposals and acquisitions.
- xii) Consider the financial implications, opportunities and risks associated with business cases, contracts, lease agreements and operational strategies and plans above the delegated limits of £1 million and to make recommendations to the Board as appropriate.
- xiii) Seek assurance that the equality duty is given due consideration within procurement evaluation criteria.

#### MEMBERSHIP

3. Chair (“the Committee Chair”) and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee’s terms of reference.

4. Members of Authority staff and Police Scotland representatives may be invited to attend Committee meetings. The Chair of the Authority and the Chief [Officer Executive](#) have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair.

5. The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items / subject areas.

## MEETINGS

6. The procedures for the Committee meeting are as follows:
- i) 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.
  - ii) A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - iii) Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair's discretion.
  - iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
  - v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
  - vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

## SECRETARIAT

7. The Chief ~~Executive~~ Officer will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.

8. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## PEOPLE COMMITTEE

### PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight, scrutiny and assurance to the Board on all significant people related matters. 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 employee-related aspects of Police Scotland and the SPA. In addition, the Committee will seek evidence of Police Scotland and SPA operating as responsible employers, and assurance that continuous progress is being made towards mainstreaming of equality, diversity and human rights, as well as the development of Police Scotland and SPA as sustainable organisations.
2. Meetings will be used to:
  - i) Seek assurance on the delivery of the People Plan, test emerging thinking and to monitor performance against the plan.
  - ii) Through ongoing assurance monitor and review information on workforce trends and analysis, [including staff grievances](#), to ensure compliance, triggers for action and continuous progress towards objectives. ~~This will include complaints against senior officers and other staff grievances.~~
  - iii) Review and advise on significant Business Cases for change assuring that they enable the delivery of the People Plan and have clear measurable outcomes.
  - iv) Recommend for approval People Policies, monitor implementation and provide assurance that practice reflects policy.
  - v) Seek assurance that the people processes which support organisational design are suitable and demonstrate feasibility, effective implementation and business continuity before final recommendations are made to the Board.
  - vi) Seek assurance that Police Scotland and SPA are creating and developing a diverse workforce and an inclusive environment where diversity is valued.

- vii) Seek assurance that Police Scotland and SPA are building sustainable organisations which fully reflects appropriate attraction, recruitment, training and development, talent management and succession planning.
- viii) Monitor workforce engagement across the whole employee base, seeking assurance that it is effective, regular and consistent, and that consultation and negotiation take place appropriately.
- ix) Consider Public Sector Pay Policy submissions, liaise with the Finance Committee and provide advice and make recommendations to the Board in this connection.
- x) Monitor statistics relating to workforce objectives and performance and seek evidence of consistent application of the PDC process.
- xi) Where appropriate, to ensure that the SPA's statutory obligations as an employer, are being appropriately discharged by Police Scotland, in particular, SPA's employer duties in relation to health, safety and wellbeing; equalities; redundancies and organisational change.

#### MEMBERSHIP

3. Chair ("the Committee Chair") and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference.
4. Members of Authority staff and Police Scotland representatives may be invited to attend Committee meetings. The Chair of the Authority and the Chief [Officer Executive](#) have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair.
5. The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items / subject areas.

## MEETINGS

6. The procedures for the Committee meeting are as follows:
  - i) 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.
  - ii) A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - iii) Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair's discretion.
  - iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
  - v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
  - vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

SECRETARIAT

7. The Chief ~~Officer~~<sup>Executive</sup> Officer will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.
  
8. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## **POLICING COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight and scrutiny of policing performance, through monitoring and reviewing policing strategy, policy and performance in relation to police matters. 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 all outward facing service delivery aspects of policing.
  
2. Meetings will be used to:
  - i) Monitor Police Scotland's performance in relation to delivery of strategic and annual police plans commitments, using the SPA Governance Performance Framework.
  - ii) Critically examine reports from HMICS and the, PIRC and any other information provided by Police Scotland in relation to complaints about the police service and ensure that appropriate improvement plans are implemented or remedial action is taken within agreed timescales.
  - iii) Seek assurance that processes for complaint handling within Police Scotland are fit for purpose, regular audits are taking place and any improvement actions effectively discharged.
  - iv) Critically examine new or changing national and local strategies, policies and initiatives, including transformational change, proposed by Police Scotland relating to all operational policing prior to implementation and provide appropriate assurance to the Board, particularly those that may have a significant impact on communities/protected characteristic groups (as defined in the Equality Act 2010) or which may give rise to significant risk.
  - v) Keep under review the strategy for policing, in line with business and statutory requirements, and, where appropriate, recommend any adjustments to the Board.
  - vi) Undertake a review of the draft Annual Police Plan and provide comments or recommendations to the Board on the Authority's response to the Chief Constable.

- vii) Undertake assessment of the Authority's Annual Review of Policing to ensure that it contains a succinct and relevant appraisal of performance for the SPA and Police Scotland in working towards the strategic police priorities, the objectives within the Strategic Police Plan and the commitments made within the Annual Police Plan; and to recommend approval by the Board subject to any amendments considered appropriate.

## MEMBERSHIP

3Chair ("the Committee Chair") and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference.

4Members of Authority staff and Police Scotland representatives may be invited to attend Committee meetings. The Chair of the Authority and the Chief ~~Officer~~Executive have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair.

- 5. The Committee chair may invite representatives from external stakeholders, Staff Associations or partner organisations for consideration of specific agenda items / subject areas.

## MEETINGS

- 6. The procedures for the Committee meeting are as follows:
  - i) 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.
  - ii) A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - iii) Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited

attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair's discretion.

- iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
- v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
- vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

#### SECRETARIAT

7. The Chief ~~Executive~~ Officer will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.

8. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## **FORENSIC SERVICES COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of the Forensic Services Committee is to provide oversight, scrutiny and assurance to the Board on the 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 providing constructive challenge and contributing to planning and future development of Forensic Services. The committee will make recommendations to the SPA Board on Forensic Services related matters.
  
2. Meetings will be used to:
  - i) Oversee the development and delivery of the Forensic Service Strategy ensuring alignment to the Strategic Police Priorities, the Strategic Police Plan and the Scottish Government's Strategy for Justice.
  
  - ii) Develop and keep under review arrangements set out in the Memorandum of Understanding between the Forensic Service, the Crown Office and Police Scotland and ensure an evolving and developing partnership.
  
  - iii) Oversee the implementation of improvement recommendations made in relation to the Forensic Service by scrutiny/inspections bodies or the SPA.
  
  - iv) Seek assurance that the Forensic Service 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 SPA Board
  
  - v) Ensure that the Forensic Service maintains appropriate links with UK and international bodies, for example in relation to research and development.

- vi) Ensure that Forensic Services has adequate and appropriate support and resource to enable service to be delivered with ongoing improvement.
- vii) Seek assurance that the SPA's statutory obligations as a service provider are being appropriately discharged, in particular SPA's duties in relation to the health, safety, wellbeing and equalities.

### MEMBERSHIP & ATTENDEES

- 3. Chair ("the Committee Chair") and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference.
- 4. The Chair of the Authority has a standing invitation to attend meetings. Any other Board Member may attend after consultation with the Chair of the Committee Chair.
- 5. Police Scotland, the Crown Office Procurator Fiscal Service and the Police Investigations and Review Commissioner are invited to attend meetings and to participate in discussions as the Chair considers relevant and appropriate. Members of Authority staff may also be invited to attend committee meetings.
- 6. The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items / subject areas.

### MEETINGS

- 7. The procedures for the Committee meeting are as follows:
  - i) 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.
  - ii) A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - iii) Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any

items received after this date will be accepted at the Committee chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair's discretion.

- iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
- v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
- vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

## SECRETARIAT

- 7. The Chief ~~Executive~~ Officer will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.
- 8. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## 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").

2. Meetings will be used to:

- i) Consider and approve arrangements, including policies and procedures and guidance, relating to the handling of complaints by the Authority, seeking the views of other stakeholders as necessary.
- ii) Consider and determine complaints against the Authority, its staff and senior officers of Police Scotland in accordance with the 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) 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.
- v) 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.
- vi) 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)

- vii) 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.
- viii) 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.
- ix) 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.

#### MEMBERSHIP & ATTENDEES

3. The Chair ("the Committee Chair") and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference.

4. The Chair of the Authority and the Chief Officer have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair. The Chief Officer, or a nominated representative, may be required to attend meetings in an advisory capacity only. Members of the Authority's staff may also be required to attend committee meetings in order to provide legal and other advice.

5. Police Scotland, the Crown Office and Procurator Fiscal Service and the Police Investigations and Review Commissioner are invited to attend meetings and to participate in discussions as the Chair considers relevant and appropriate.

6. Her Majesty's Chief Inspector of Constabulary, or a nominated representative, may attend meetings at the invitation of the Committee Chair to provide independent policing advice.

7. The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items / subject areas.

8. All decisions made at Committee meetings must be made by members of the Authority.

## MEETINGS

9. The procedures for the Committee meeting are as follows:

- i) 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. Additional meetings will be held where necessary in order to ensure efficient and effective complaints handling and to comply with timescales stipulated in legislation.
- ii) A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
- iii) Twenty one calendar days prior to each meeting the Committee Chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee Chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee Chair's discretion.
- iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
- v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting, and as soon as practicable where the meeting concerned the handling of complaints about senior officers of Police Scotland. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.

vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

#### SECRETARIAT

8. The Chief Officer will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.

9. The Secretariat will be responsible for all arrangements associated with supporting the meeting.



# **SCOTTISH POLICE AUTHORITY**

## **CORPORATE GOVERNANCE FRAMEWORK**

**AUGUST 2017**

Approved	15 December 2016
Last Review	August 2017
Next Review	August 2018
Version	1.2

**Version Control**

<b>Version</b>	<b>Date</b>	<b>Summary</b>	<b>Amended by</b>
1.0	15 Dec 2016	Approved by SPA Board	-
1.1	10 Aug 2017	Updated following initial 6 month period	R Johnston/E Leggat/S Jones
1.2	19 Dec 2017	Changes to allow establishment of a Complaints and Conduct Committee	R Johnston

**Amendments**

<b>Version</b>	<b>Para</b>	<b>Amendment</b>
1.1	22	In the absence of the Chair, the Deputy Chair will have the casting vote
1.1	24	<p>The public and key stakeholders will be encouraged through a dedicated mailbox facility to advise the Authority ahead of the Board meeting of any key issues or questions they would like to see being considered by the Board. The Chief Executive will monitor this and advise the Board on the relevancy and competency of matters raised.</p> <p>References to 'private' session have been amended to 'closed' session for consistency</p>
1.1	27	<p>New criteria added for considering items in closed session 'where the matter being discussed must be referred to the Scottish Government or placed before the Scottish Parliament before it is placed in the public domain'</p> <p>References to 'private' session have been amended to 'closed' session for consistency</p>
1.1	33	Committees will hold their meetings in public wherever possible. Paragraph 27 details the circumstances in which Committee proceedings will be held in closed session
1.1	34	Agendas for public session Committee meetings will be published 7 days before the meeting. Papers for public session Committee meetings will be published on the Authority's website 3 working days in advance of the meeting. Agendas for closed sessions will be published (redacted as necessary) 7 days before the meeting and a summary of the business conducted in the closed session published as part of the papers for the next public meeting of the Committee

1.1	35	Committees comprise a Chair and no more than <u>three</u> other Board members
1.1	38	Committees should consider how best to ensure effective engagement and participation from attendees, rather than simply observation of the meetings.
1.1		Formatting amendments have been made and links added. Amendments made to ensure consistency with the Scheme of Delegation
1.2	17	Specific provision to allow for delegation of the Authority's powers to committees
1.2	33	Specific provision to allow for decision-making by committees in accordance with their respective terms of reference

**CONTENTS**

	<b>INTRODUCTION</b>	<b>6</b>
	<b>SPA GOVERNANCE FRAMEWORK</b>	<b>7</b>
	<b>THE ROLE OF ACCOUNTABLE OFFICER</b>	<b>8</b>
	<b>HOW WE WORK WITH POLICE SCOTLAND</b>	<b>8</b>
	<b>PROCEEDINGS OF THE BOARD OF THE SPA</b>	<b>9</b>
	<b>PROCEEDINGS IN CLOSED SESSION</b>	<b>11</b>
	<b>SCHEME OF DELEGATION</b>	<b>12</b>
	<b>COMMITTEES AND OTHER BOARD FORA</b>	<b>13</b>
	<b>STANDARDS OF CONDUCT</b>	<b>15</b>
	<b>OPENNESS AND TRANSPARENCY</b>	<b>16</b>
	<b>REGISTER OF INTERESTS</b>	<b>14</b>
	<b>GUIDANCE ON WHISTLEBLOWING (PUBLIC INTEREST DISCLOSURE ACT)</b>	<b>17</b>
	<b>MATTERS RESERVED FOR THE BOARD</b>	<b>18</b>
	<b>DOCUMENT CONTROL AND REVIEW</b>	<b>20</b>

**KEY DOCUMENTS**

<b>KEY DOCUMENT</b>	<b>SOURCE</b>
Police and Fire Reform (Scotland) Act 2012 ("the 2012 Act")	<a href="http://www.legislation.gov.uk/asp/2012/8/contents">http://www.legislation.gov.uk/asp/2012/8/contents</a>
Scottish Government: The Scottish Police Board Governance and Accountability Framework Document	<a href="http://www.spa.police.uk/assets/128635/293617/frameworkdocument">http://www.spa.police.uk/assets/128635/293617/frameworkdocument</a>
SPA Code of Conduct for Board Members	<a href="http://www.spa.police.uk/assets/128635/293617/SPAcodofconduct">http://www.spa.police.uk/assets/128635/293617/SPAcodofconduct</a>
SPA Code of Conduct for Staff	<a href="https://spi.spnet.local/policescotland/guidance/Documents/Code%20of%20Conduct.pdf">https://spi.spnet.local/policescotland/guidance/Documents/Code%20of%20Conduct.pdf</a>
SPA Board Members Register of Interests	<a href="http://www.spa.police.uk/about-us/the-board/roi201617">http://www.spa.police.uk/about-us/the-board/roi201617</a>
SPA Financial Protocol	<a href="http://www.spa.police.uk/assets/128635/293617/376046/financialprotocol2017">http://www.spa.police.uk/assets/128635/293617/376046/financialprotocol2017</a>
SPA Scheme of Delegation	<a href="http://www.spa.police.uk/assets/128635/293617/376046/schemeofdelegation2017">http://www.spa.police.uk/assets/128635/293617/376046/schemeofdelegation2017</a>
Committee Terms of Reference	<a href="http://www.spa.police.uk/assets/128635/293617/376046/committeetor2017">http://www.spa.police.uk/assets/128635/293617/376046/committeetor2017</a>
Section 83 Agreements between SPA and Police Scotland	In progress
Memorandum to Accountable Officers for Other Public Bodies	<a href="http://www.gov.scot/Topics/Government/Finance/spfm/Accountability/aomemoother">http://www.gov.scot/Topics/Government/Finance/spfm/Accountability/aomemoother</a>
SPA Performance Framework (Holding the Chief Constable to Account)	In progress
SPA Whistleblowing Policy	<a href="http://www.spa.police.uk/assets/126884/400419/spawb">http://www.spa.police.uk/assets/126884/400419/spawb</a>
SPA Bribery and Corruption Policy	In progress
SPA Environment Policy	In progress
SPA Ethics Policy	In progress
SPA Financial Regulations	<a href="http://www.spa.police.uk/assets/128635/293617/376046/416633">http://www.spa.police.uk/assets/128635/293617/376046/416633</a>

## INTRODUCTION

1. The Scottish Police Authority (SPA) is an Other Significant Public Body (OSPB) established by the Police and Fire Reform (Scotland) Act 2012 ("the 2012 Act"). The Board's main functions as specified in the Act, are as follows:
  - a. to maintain the Police Service of Scotland;
  - b. to promote the policing principles;
  - c. to promote and support continuous improvement in the policing of Scotland;
  - d. to keep under review the policing of Scotland;
  - e. to hold the Chief Constable to account for the policing of Scotland.
2. The SPA is an integral and key element of the overall justice system in Scotland and works closely with Scottish Ministers, the Scottish Government, Police Scotland and a range of other public bodies and agencies to promote effective policing across Scotland.
3. The SPA is accountable to Scottish Ministers, who are in turn accountable to the Scottish Parliament. As the public body responsible for developing and implementing the overall strategy for policing in Scotland, it is important that we demonstrate the highest standards of governance across our organisation.
4. This document sets out the responsibilities and arrangements that we use to make sure we govern our organisation to a high standard. It lays down the key responsibilities of the Board of the SPA; the conduct expected of its members and staff; the Board's powers of delegation; and proceedings of the Board. It reflects the principles set out in the 'Combined Code – principles of good governance and code of best practice'; the Scottish Public Finance Manual (SPFM), and the recommendations of the Committee of Standards in Public Life.
5. The SPA reviews its governance arrangements regularly to ensure that they remain fit for purpose, and continue to reflect its duties, functions and values. This Framework (and its supporting Operations Manual) will be reviewed annually to ensure that it

continues to reflect best practice. It is published on the SPA's website as part of our commitment to openness and accountability.

6. The SPA will conduct its business in accordance with the following key principles:
  - a. Universally understood
  - b. Capable
  - c. Effective
  - d. Proportionate
  - e. Risk-based
  - f. Transparent
  - g. Responsive
  - h. Best value
  - i. Adherence to human rights

## **SPA GOVERNANCE FRAMEWORK**

7. The SPA is charged with delivering the strategic leadership for policing in Scotland. We have a Board appointed by Scottish Ministers and work closely with the Chief Constable of Police Scotland in delivering our key aims and objectives.
8. The 2012 Act which established the SPA, also referred to a number of distinct bodies listed below who each have a role within legislation and are therefore key partner organisations and stakeholders for the SPA (a description of all the relevant bodies and their roles within legislation can be accessed at <http://www.legislation.gov.uk/asp/2012/8/contents>). These include:
  - Scottish Parliament
  - Scottish Government
  - Her Majesty's Inspectorate of Constabulary (HMICS)
  - Police Investigations and Review Commissioner (PIRC)
  - Crown Office and Procurators Fiscal (COPFS)
  - Audit Scotland
  - Local Authorities
9. The SPA is committed to working closely with all key stakeholders to support the delivery of effective policing that meets the needs of the citizens of Scotland in line with Scottish Ministers' policy objectives. The Scottish Government's Governance and

Accountability Framework gives more precise detail about specific roles and responsibilities across the key stakeholders.

10. The SPA performs the statutory oversight functions specified in paragraph 1 above. However, it is also responsible for the delivery of Forensic Services to Police Scotland, PIRC and COPFS. This document also sets out our governance arrangements for delivering these services efficiently and effectively.

## THE ROLE OF THE ACCOUNTABLE OFFICER

11. The Board have appointed a ~~Chief Officer~~ ~~Chief Executive~~ to manage the operations of the SPA. The Chief ~~Officer~~ ~~Executive~~ of the SPA has been designated as our Accountable Officer by the Scottish Government and is accountable to Parliament for the effective management of the organisation's governance arrangements, overall financial management including accountability for the use of funding provided to Police Scotland, and preparation of the annual accounts, and for the achievement of Best Value.
12. The Accountable Officer is also responsible for maintaining adequate financial records and for the preparation and submission to the Scottish Parliament of the SPA's Annual Financial Statements.
13. In order for the Accountable Officer to properly fulfil his/her responsibilities a Financial Protocol has been agreed between SPA and Police Scotland and can be found at Appendix 1.

## HOW WE WORK WITH POLICE SCOTLAND

14. The 2012 Act sets out the key legislative and strategic functions of the SPA. These strategic functions are mainly delivered with and through Police Scotland operating under the direction of the Chief Constable.
15. Police Scotland and the Chief Constable are therefore key strategic and delivery partners for the SPA and we work closely and collaboratively with the Chief Constable in holding that office and Police Scotland to account for the achievement of our strategic objectives.

16. The Chief Constable, or his/her designated deputy, attends all SPA Board meetings and Police Scotland staff attend and support a range of committee meetings and routinely contribute to SPA policy development initiatives.

## PROCEEDINGS OF THE BOARD OF THE SPA

17. Subject to the delegation of its powers and functions to committees or the Chief Officer, ~~the~~ Board is the ~~sole~~ decision-making body of the SPA and is responsible for ensuring it performs its functions efficiently and effectively and in accordance with the policing principles established by the 2012 Act, and the Strategic Police Priorities set by the Scottish Ministers. The Board, under the leadership of the Chair, has collective responsibility for the performance of the Board's functions. ~~However, the Board has agreed a set of delegated authorities to be undertaken by the CEO in its name.~~
18. Members of the Board, including the Chair, are appointed by the Scottish Ministers and may be appointed for a period not exceeding eight years (including reappointment or extension). In addition to the Chair, there must be no fewer than 10 and no more than 14 members of the Board.
19. The Board may authorise any of the SPA's committees, or any member of the SPA staff, to perform such of its functions as it may determine.
20. The Board holds at least 8 scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Board's business. The scheduling of Board meetings must be approved by the Chair. Unscheduled meetings may be requested at any time by the Chair, Board Members or the Chief Officer~~Executive~~.
21. The quorum for a Board meeting is a simple majority of all listed Board Members (including the Chair) who must be present for the duration of the meeting. Board Members may join the meeting by audio or video conferencing where such facilities are available.
22. Only Board Members may vote at a Board meeting. Any decisions which require a vote are reached by a simple majority. Where

there is an even number of votes the Chair has the casting vote. In the absence of the Chair, the Deputy Chair will have the casting vote.

23. Twenty one calendar days prior to each Board meeting the Chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Final papers for each meeting must be submitted to the secretariat at least 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees at least 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Chair's discretion.
24. The Agenda for public session meetings will be published 7 days before the meeting. Papers for public session meetings will be published on the Authority's website 3 working days in advance of the meeting. The public and key stakeholders will be encouraged through a dedicated mailbox facility ([SPApublicvoice@spa.pnn.police.uk](mailto:SPApublicvoice@spa.pnn.police.uk)) to advise the Authority ahead of the meeting of any key issues or questions which they would like to see being considered by the Board. The Chief [OfficerExecutive](#) will monitor this and advise the Board on the relevancy and competency of the matters raised. The Board has a statutory obligation to ensure that its proceedings are held in public. However, the Board can decide to hold all, or part, of any proceedings in closed session. The circumstances in which meetings will be held in closed session are listed in paragraph 27 below.
25. Where required, and in agreement with the Chair and Chief [OfficerExecutive](#), decision-making may be carried out through use of teleconference or email in between formal Board meetings. The quorum for such decisions is the same as required for a normal Board meeting. All such decision-making will be highlighted to the next public Board meeting for homologation / ratification.
26. The Chair of the Board may from time to time appoint Board Members and others to support a number of Board activities, including, but not limited to:

- a. the recruitment of senior officers of Police Scotland (i.e. the Chief Constable, Deputy Chief Constables, Assistant Chief Constables and senior directors);
- b. review of the salaries of the Chief [OfficerExecutive](#) and other senior officials as noted in 'a.' above;
- c. perform functions under the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016;
- d. participate in the recruitment of Director-level posts in the SPA;
- e. hear appeals against dismissal (in line with the relevant SOP);
- f. carry out investigations into grievances against the [Chief OfficerCEO](#);
- g. consider Director-level remuneration and performance within Police Scotland and SPA informed by public body pay guidance issued by the Scottish Government; and
- h. be part of the Police Negotiating Board as part of the Official Side.

## **PROCEEDINGS IN CLOSED SESSION**

27. The Board will hold its meetings in public wherever possible. The following paragraphs detail the circumstances in which proceedings will be held in closed session;
  - a. where the information to be discussed consists of or includes the personal data of individuals who have not provided their consent to its disclosure,
  - b. where public discussion of the information may prejudice national security, legal proceedings (including misconduct or disciplinary proceedings), or police operations;
  - c. where the information to be discussed consists of or includes legal advice provided to the Board or to a third party;
  - d. where an obligation of confidentiality exists in respect of the information that is to be discussed;

- e. where any of the information to be discussed is commercially sensitive, financially sensitive, relates to proposals for significant organisational change or to significant changes to the terms and conditions of staff;
  - f. where the matter being discussed must be referred to the Scottish Government or placed before the Scottish Parliament before it is placed in the public domain; or
  - g. where other, exceptional, circumstances exist that justify holding the proceedings in closed session.
28. As part of the Authority's commitment to continuous improvement, the Board (and its Committees) will review its effectiveness annually.

## SCHEME OF DELEGATION

29. The SPA has established a Scheme of Delegation to the Chief [Officer Executive](#) (see Appendix 2) to allow SPA and relevant Police Scotland business to proceed efficiently and effectively. It is based on the following principles:
- a. Delegation should reduce the amount of decision-making required of the Board of the SPA, enabling the SPA to focus on strategic policy issues
  - b. Delegation will only take place within a policy and budgetary framework agreed by the SPA
  - c. Delegation of financial matters will be subject to appropriate financial limits
  - d. The Accountable Officer may seek and obtain assistance from other officers of the SPA in discharging delegated functions whilst retaining the responsibility to the SPA for action thus delegated
  - e. The SPA may require the [Chief Officer CEO](#) to submit reports on decisions taken and action authorised by him/her under the Authority's Scheme of Delegation, including decisions made by members of staff under sub-delegation provisions.
30. The Board of the SPA will review, amend and approve the delegated Board documents on a regular basis.

## COMMITTEES AND OTHER BOARD FORA

### Committees

31. The Authority's Committees support the Board by undertaking thorough assessments of matters within their respective remits, providing advice and assurance and making recommendations to assist in decision-making. Unless otherwise specified in their terms of reference (see Appendix 3), committees focus only on the strategic and policy issues within their respective terms of reference.
32. The Board must approve the terms of reference and agree a workplan for any Committee which it establishes. The Board may alter the number of Committees, or amend a Committee's terms of reference, where this is considered necessary to accommodate the work of the Authority. The Board may also alter the membership of committees to ensure an appropriate level of skills and expertise.
33. The Authority may authorise any of its committees to perform the Authority's functions, including the power to make decisions on behalf of the Authority. The decision-making powers of committees will be specified in their respective terms of reference. ~~The Board is the sole decision-making body of the Authority, and although the Board may occasionally delegate decision-making, Committees do not, in general, have decision-making powers.~~ Committees may make are, therefore, limited to making recommendations to the Board to allow the Board to make decisionsto the full Board.  
Committees will be held in public wherever possible. Paragraph 27 details the circumstances in which Committee proceedings will be held in closed session.
34. Agendas for public session Committee meetings will be published 7 days before the meeting. Papers for public session Committee meetings will be published on the Authority's website 3 working days in advance of the meeting. Agendas for closed sessions will be published (redacted as necessary) 7 days before the meeting and a

summary of the business conducted in the closed session published as part of the papers for the next public meeting of the Committee.

35. Committees comprise a Board Member who acts as Chair (“the Committee Chair”) and no more than three other Board Members. Committees may also include co-opted members selected for their expertise in the areas that fall within the Committee’s terms of reference. Any decisions which require a vote will be reached by a simple majority and where there is an even number of votes the Chair of the committee has the casting vote.
36. The quorum for a Committee meeting is two Authority Members, one of whom is the Chair of that Committee. In the absence of the Committee Chair, the Committee Chair may nominate a deputy. In those circumstances, the Deputy Committee Chair will have the casting vote. Authority Members who are not members of the committee may be invited to attend meetings in order to achieve the quorum.
37. As allowed for in Schedule 1, Paragraph 9 of the 2012 Act, the SPA may allow Committees to co-opt members who are not members of the Authority but such persons are not entitled to vote at meetings. Co-opted members of Committees may be co-opted for a specific project or skill set, and be appointed for an initial period of up to 12 months.
38. Committees should consider how best to ensure effective engagement and participation from attendees, rather than simple observation of the meetings.
39. Committees will provide the Board with a report of their work shortly after the end of each financial year which will provide assurance to the Board and Accountable Officer to support the Authority’s annual Governance Statement.
40. As part of the Authority’s commitment to continuous improvement, Committees will also review their effectiveness annually and Committee Chairs recommend any improvements or areas for development to the Authority Chair.

41. A summary report from Committees will be a standing item on the Board meeting agenda.

### **Other Board Fora**

42. The Board may also establish Sub-Boards or other working groups to provide advice and assurance and make recommendations to assist in decision-making. There is no requirement for regular reporting from working groups to Committees or the Board, however, that when an item of business comes forward for consideration to the Board, the relevant working group will require to provide an assurance report to support the Board's decision-making.

### **Members' Business Meetings**

43. The primary function of Members' business meetings is to provide appropriate time for Members to discuss and review strategic issues that may impact on the business of the Authority, taking into consideration the internal and wider justice and public sector environments – this may involve extending invitations to the HMICS, Scottish Government and others to meetings as required.
44. The Members' business meetings will be chaired by the Chair or Deputy Chair of the Authority, but will not be formal Board meetings. The meetings will be used to support the development and management of Board business and will not be decision-making meetings. There may be occasions when the Chair or Deputy Chair and Board members wish to hold private discussions and Members' business meetings may be used for that purpose.
45. All Members are expected to attend Members' business meetings, as well as the Chief ~~Officer~~[Executive Officer](#). There is an open invitation from the Chair to the Chief Constable to attend these meetings; other representatives from Police Scotland will be invited to attend by invitation only, and similarly SPA officers should only attend for relevant agenda items.

## **STANDARDS OF CONDUCT**

46. All members and staff of the SPA must comply with a Code of Conduct that governs their actions on a day-to-day basis. The SPA has established the following codes for this purpose:
- Code of Conduct for Board Members
  - Code of Conduct for Staff
47. Each code is based on the 8 standards of public life:
- Selflessness
  - Integrity
  - Objectivity
  - Accountability and Stewardship
  - Openness
  - Honesty
  - Leadership
  - Respect.
48. The SPA will review these standards of conduct on a regular basis and is responsible for ensuring all staff are aware of their content and application.

## **OPENNESS AND TRANSPARENCY**

49. The SPA has made a commitment that it should be open and transparent and operate to the highest standards of public sector administration and management.
50. The Freedom of Information (Scotland) Act 2002 requires every Scottish public authority to adopt and maintain a Publication Scheme, and publish information in accordance with that scheme. A copy of the SPA's Publication Scheme can be found on the SPA's website [ <http://www.spa.police.uk/assets/128635/293649/publications-scheme> ]

## REGISTER OF INTERESTS

51. A register of interests is maintained for Board Members and staff of the SPA. The register documents the declared interests of all SPA Board and Committee Members and all members of staff.
52. The secretariat within SPA is responsible for the maintenance of this register, however, it is the duty of each Board and Committee Member and member of staff to ensure their interests are properly recorded in the Register of Interests. The secretariat will ensure that:
- The public are made aware of the existence of the register and how they can gain access to it;
  - The register is updated yearly and reflects changes to Board, Committee Members and staff; and
  - The Code of Practice for Board Members outlines the procedures for dealing with conflicts of interest.

## GUIDANCE ON 'WHISTLE-BLOWING' (PUBLIC INTEREST DISCLOSURE ACT)

53. The SPA is committed to the highest standards of openness, probity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of Scottish Ministers and the standards in public life set out in the reports of the Nolan Committee.
54. The SPA has set out a clear 'Whistle-Blowing' policy that is fully compliant with the principles of the Nolan Committee and fully meets the requirements of the Public Interest Disclosure Act. Our policy can be found at <http://www.spa.police.uk/assets/126884/400419/spawb> and includes:
- A clear statement that malpractice is taken seriously in the organisation, and an indication of the sorts of matters regarded as malpractice.

NOT PROTECTIVELY MARKED

- How the confidentiality of staff raising concerns will be respected, and provides staff with the opportunity of raising concerns outwith established line management.

NOT PROTECTIVELY MARKED  
Version 1.1

**MATTERS RESERVED FOR THE BOARD**

**Strategy and Planning**

<b>Item</b>	<b>Consult</b>	<b>Inform</b>	<b>Approve</b>
Strategic Police Plan*			<b>X</b> (recommend to SG)
Annual Police Plan*	<b>X</b>		
Local police plans* (form and manner of publication only)	<b>X</b>		<b>X</b>
Long Term Strategy for Policing			<b>X</b>
Long Term financial Strategy for Policing			<b>X</b>
SPA/Forensic Annual Business Plan			<b>X</b>
Strategic Risk Register			<b>X</b>
Internal Audit Plan			<b>X</b>
Strategic Performance Framework			<b>X</b>
Annual Review of Policing*			<b>X</b>
Organisational /Transformational Change Proposals			<b>X</b>
Implementation Plan			<b>X</b>

\*Legislative requirement

**Policy / Other Business**

<b>Item</b>	<b>Consult</b>	<b>Inform</b>	<b>Approve</b>
External communication relating to policy and strategy	<b>X</b>		
Police Scotland and Authority policies for risk management		<b>X</b>	
Recruitment and Selection Plans for Chief Constable			<b>X</b> (recommend to SG)
Recruitment and Selection Plans for ACC, DCC and Senior Director level			<b>X</b>
Authority's Scheme of Delegation			<b>X</b>

Item	Consult	Inform	Approve
Police Scotland Internal Scheme of Delegation			X (subject to recommendation by Accountable Officer)
Terms and Conditions of Staff			X
<del>Decisions as to whether to suspend a senior officer under the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013; decisions as to the action to be taken following receipt of the investigator's report; and the appointment of panels for misconduct hearings and appeals</del>			X
Annual Revenue & Capital budget proposals			X
In-year budget changes			X
Business cases, contracts, lease agreements (above £1m)			X
Government Spending Review input			X
Annual Report & Accounts			X
Public Sector Pay Policy submissions			X
Staff and Officer Pay Proposals			X
Police Scotland & Authority policies for People			X
National and local strategies, policies and initiatives		X	

**DOCUMENT CONTROL AND REVIEW**

Approval Status	Draft
Approved by	SPA Board
Signatures	Chair, SPA  <a href="#">Chief Officer</a> , SPA
Date Approved	
Proposed Review Date	August 2018
Lead Officer	<a href="#">Chief Officer</a> <del>Chief Executive</del>



# SCOTTISH POLICE AUTHORITY

## SCHEME OF DELEGATION

### NOVEMBER 2017

Approved	15 December 2016
Last Review	August 2017
Next Review	August 2018
Version	1.3

**Version Control**

<b>Version</b>	<b>Date</b>	<b>Summary</b>	<b>Amended by</b>
1.0	15 Dec 2016	Approved by SPA Board	-
1.1	10 Aug 2017	Updated following initial 6 month period	R Johnston/E Leggat
1.2	13 Nov 2017	Updated to reflect change from CEO to Chief Officer, and changes re approval of Reform Funding requests	E Leggat
1.3	19 Dec 2017	Revised to remove Chief Officer's functions in relation to complaints and conduct (which in future would be performed by a Complaints and Conduct Committee; consequential amendments re Chief Officer's functions in relation to forensic services	R Johnston

**Amendments**

<b>Version</b>	<b>Para</b>	<b>Amendment</b>
1.2	Various	References to CEO have been deleted and replaced with references to Chief Officer
1.2	Para 8	Introduction of approval process for requests for Reform Funding
		Formatting amendments have been made
1.3	Para 18	Revised to remove complaints and conduct functions from the Chief Officer

## APPENDIX 2

### SCHEME OF DELEGATION

#### 1. Introduction

- 1.1 In terms of paragraph 12 of schedule 1 to the Police and Fire Reform (Scotland) Act 2012 ("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.
- 1.2 This Scheme of Delegation ("this Scheme") details the functions which the Authority has delegated to its Chief Officer to perform, and the extent of that delegation.
- 1.3 This Scheme will be reviewed by the Authority on an annual basis.

#### 2. General provisions regarding delegation

##### *Delegation to the Chief Officer*

- 2.1 With the exception of functions specifically reserved to the Board, the Chief Officer may exercise any of the Authority's functions and powers, subject to the restrictions contained in this Scheme.
- 2.2 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:
  - a) the Authority's current SPA Governance and Accountability Framework Document;
  - b) the Scottish Public Finance Manual ("SPFM");
  - c) the Scottish Government's Memorandum to Accountable Officers of Public Bodies ("the Memorandum");
  - d) the annual Budget Allocation and Monitoring Letter issued to the Authority by the Scottish Government;
  - e) all relevant legal provisions and the Authority's policies and procedures;
  - f) the Authority's Financial Regulations;
  - g) the Authority's procedures and Standing Orders relating to procurement and contracts; and
  - h) the Authority's code of conduct for staff.

- 2.3 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 Officer.
- 2.4 Before exercising delegated powers under this Scheme, the Chief Officer 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.
- 2.5 The Chief Officer 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 2.4.
- 2.6 In the event that the Chief Officer is unable for any reason to exercise powers specifically delegated to him/her under this Scheme, the Chief Officer's nominated deputy will have authority to make decisions on his/her behalf.
- 2.7 The Board may require the Chief Officer to submit reports on decisions taken and actions authorised by him/her under this Scheme, including decisions made by members of staff under sub-delegation provisions.

*Sub-delegation by the Chief Officer*

- 2.8 The Chief Officer may sub-delegate powers to senior members of staff. Such delegations must be agreed between the Chair and the Chief Officer prior to such delegations being implemented.
- 2.9 The Chief Officer may not sub-delegate any of his/her personal obligations and responsibilities as Accountable Officer of the Authority. In the event that the Chief Officer 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 Permanent Secretary and Principal Accountable Officer who may appoint a substitute Accountable Officer pending the Chief Officer's return to duties.

- 2.10 Any sub-delegation of powers by the Chief Officer and the restrictions to which such powers are subject, will be detailed in a separate scheme which will be reviewed by the Authority on an annual basis.

### **3 SPA Corporate Management**

#### *General*

- 3.1 The Chief Officer 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 Officer is accountable to the Board.
- 3.2 The Chief Officer 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 by the Authority must be considered by the Board before approval is sought from the Scottish Government.
- 3.3 The Chief Officer is authorised to transfer funds between headings and between capital projects (virements) up to £200,000 for expenditure on Authority staff or other costs. Such transfers should be reported to the Finance and Audit Committees at their next scheduled meetings.
- 3.4 Such expenditure should be reported to the Finance Committee as soon as is practicable.
- 3.5 The Chief Officer may consider and approve payment to external businesses and management consultancies up to the value of £100,000, subject to the guidance contained in the Scottish Government's Consultancy Procedures (<http://www.gov.scot/Resource/0041/00413130.pdf>).

#### *Staffing*

- 3.6 The Chief Officer has responsibility for the appointment of staff (subject to agreed staffing limits) and the Authority's organisational structure. 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.

3.7 In particular, the Chief Officer 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.
- d) conduct disciplinary and grievance proceedings in respect of Authority staff who are employed within the corporate functions of the Authority ~~and/or Forensic Services~~;
- e) authorise the attendance of Authority staff who are employed within the corporate functions of the Authority ~~and/or Forensic Services~~ at training courses, conferences, seminars and other developmental activities; and
- f) 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.

#### **4 Authorised signatory**

4.1 The Chief Officer has authority to sign documents on behalf of the Authority in terms of the Requirements of Writing (Scotland) Act 1995 and other applicable legislation, and to sign all deeds and other documents which are binding on the Authority.

#### **5 Arrangements with the Chief Constable**

5.1 The Chief Officer 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.

## **6 Expenditure**

- 6.1 The Chief Officer may instruct expenditure for which provision has been made within the appropriate budget (the limits of which are set out in financial delegations within this Scheme).
- 6.2 Major contracts (defined as values over £2m) require Board approval in each and every instance. The Chief Officer cannot enter into multiple contracts with the same supplier in any financial year which exceed £2m in total. Subsequent to Board approval for major contracts, the Chief Officer has delegated authority to instruct contractual payments in accordance with contractual terms.

## **7 Major Investment Projects**

- 7.1 The Chief Officer is responsible for overseeing all Major Investment Projects, as defined in the SPFM, including the establishment of appropriate processes and reviews. The Chief Officer must report progress on such matters to the Board and/or the Finance/Audit Committees.

## **8 Review of applications for Reform Funding**

- 8.1 In his/her capacity as Accountable Officer, the Chief Officer will be responsible for reviewing all business cases from both the Authority, SPA Forensic Services and Police Scotland for the draw down of reform funding once they have been approved by the Authority's Senior Management, the Senior Management of SPA Forensic Services or Police Scotland's Corporate Finance and Investment Board (as appropriate). Every business case should be supported by a benefits realisation plan to enable the return on investment of every project to be monitored and scrutinised. After reviewing a business case, the Chief Officer will act as follows :-
- (i) If the funding request is within the limits of the Chief Officer's delegated financial authority of £2m (in his/her capacity as Accountable Officer), and it does not raise matters of policy which would be of interest to the Board, and the Chief Officer approves the business case, the Authority will thereafter forward the business case to the Scottish Government for approval. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Scottish Government and will also maintain a record of all such referrals. The Chief Officer will also provide reports on a

quarterly basis to both the Finance Committee and the Board of all such referrals.

- (ii) If the funding request is outwith the limits of the Chief Officer's delegated financial authority of £2m (in his/her capacity as Accountable Officer), and it does not raise matters of policy which would be of interest to the Board, and the Chief Officer supports the business case, the Chief Officer will refer the business case to the Board for approval via the Finance Committee (or other Committee, as appropriate) for assurance purposes. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Board. If the relevant Committee is content to recommend the business case to the Board for approval, and the Board duly formally approves the business case, the Authority will thereafter forward it to the Scottish Government for approval. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Scottish Government and will also maintain a record of all such referrals.
- (iii) If the Chief Officer deems that the funding request raises matters of policy which would be of interest to the Board, and the Chief Officer supports the business case, then he/she will refer the business case to the Board for approval. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Board. If the Board duly formally approves the business case, the Authority will thereafter forward it to the Scottish Government for approval. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Scottish Government and will also maintain a record of all such referrals.

## **9 Property**

### *General*

- 9.1 The Chief Officer may approve routine property transactions. The provisions of the "Property: Acquisition, Disposal and Management" section of the SPFM must always be adhered to in relation to all property transactions.
- 9.2 Where the Authority has a requirement for accommodation to provide regional or national coverage, Ministerial consent will be required. 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*

9.3 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 Chief Officer may authorise the acceptance 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 Officer, 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;
- b) where the Chief Officer proposes to accept an offer contrary to professional advice, or where the Chief Officer proposes to accept an offer which contains unusual conditions, the Authority must obtain any additional approval required in terms of the SPFM;
- c) the proposed sale price does not exceed £1,000,000;
- d) the Chief Officer formally reports all property transactions to the Board on a quarterly basis; and
- e) in any circumstances the sale of more than one property to the same buyer within any financial year requires prior Board approval.

9.4 The general principle is that public bodies should obtain the best possible price on the open market when disposing of assets. The prior consent of the Scottish Ministers to a disposal of an asset at less than Market Value must be obtained.

9.5 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*

9.6 The Chief Officer may authorise the acquisition of heritable property by the Authority from third parties for a proposed purchase price of up to £1,000,000.

### *Non-property/accommodation-related Leases*

9.7 The Chief Officer may approve leases – other than property/accommodation-related leases - for a period of up to five

years and up to a total value of £50,000 (calculated over the term of the lease).

- 9.8 It is not necessary for the Chief Officer to seek the approval of the Scottish Ministers to enter into any finance-related lease. However, all finance related leases with a projected total value in excess of £500,000 require Board approval.

*Property/accommodation-related Leases etc. – Authority as Landlord*

- 9.9 The Chief Officer may approve the Authority entering into a Lease, Licence to Occupy, or Memorandum of Terms of Occupation (MOTO) with third parties in respect of heritable property owned by the Authority for a period of up to 5 years and up to a total value of £5 million (calculated over the term of the Lease/Licence to Occupy/MOTO). However, where a proposed lease concerns accommodation of regional or national importance, the transaction will require the consent of the Scottish Ministers following Board approval.
- 9.10 The Chief Officer 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 paragraph 9.7.
- 9.11 The Chief Officer may instruct appropriate action to enforce the terms of any Lease, Licence to Occupy or MOTO (including the termination thereof) where the Tenant/Licensee/Occupier 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.

*Property/accommodation-related Leases etc. – Authority as Tenant*

- 9.12 The Chief Officer may approve the Authority entering into a Lease, Licence to Occupy, or MOTO with third parties in respect of heritable property owned by the third party for a period of up to 5 years and up to a total value of £2 million (calculated over the term of the Lease/Licence to Occupy/MOTO). However, where a proposed lease concerns accommodation of regional or national importance, the transaction will require the consent of the Scottish Ministers.
- 9.13 The Chief Officer 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 paragraph 9.7.

9.14 The Chief Officer may authorise the exercise, or the non-exercise, of a tenant's lease break.

### *Miscellaneous*

9.15 The Chief Officer may authorise:

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

## **10 Other licence Agreements**

10.1 The Chief Officer 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.

## **11 Procurement/Contracts**

11.1 Subject to the provisions and financial thresholds detailed in the Standing Orders relating to Contracts (see link below), the Chief Officer 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 Officer may also extend, vary and terminate such contracts or instruct the extension, variation and termination of such contracts.

11.2 <http://www.scotland.police.uk/assets/pdf/138327/327595/standing-orders-relating-to-contracts>.

## **12 Non-Current Asset Valuation Changes**

12.1 The Chief Officer may authorise the increase, decrease or write-off of non-current assets held by the Authority over £25,000 in value. Such adjustments will have an accumulation ceiling of £100,000 within any

financial year. Write-offs which accumulate above £100,000 in any financial year require Board approval.

### **13 Transactional Services**

13.1 The Chief Officer may authorise the write-off of debt due to the Authority by a single debtor of up to £25,000 in accordance with Authority policies, provided all reasonable means of recovery have been exhausted. Where the Chief Officer has approved the write-off of debt due by a particular debtor, any proposed write-off of a further debt owed by the same debtor requires Board approval. Write-offs have an accumulation ceiling of £100,000 within any financial year. Write-offs which accumulate above £100,000 in any financial year require Board approval.

13.2 The Chief Officer 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 Finance and/or Audit Committees.

### **14 Members' Expenses**

14.1 The Chief Officer 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.

### **15 Legal**

15.1 The Chief Officer has authority to do the following:

- a) settle legal actions and claims against the Authority for sums of over £75,000 and up to and including £250,000, in consultation with the Authority's Head of Legal and Compliance;
- b) authorise Police Scotland's Legal Services Department to settle legal actions and claims against the Chief Constable and/or the Authority for sums of over £75,000 and up to and including £250,000, in consultation with the Authority's Head of Legal and Compliance;
- c) settle associated claims for judicial expenses, in consultation with the Authority's Head of Legal and Compliance;
- d) recommend to the Board the settlement of legal actions and claims against the Authority for sums exceeding £250,000;

- e) initiate, enter into, defend and withdraw from legal proceedings involving the Authority, all in consultation with the Head of Legal and Compliance;
- f) direct the signing of court documents on behalf of the Authority;
- g) sign, or authorise the signing on the Authority's behalf, of missives or other documents in terms of the Requirements of Writing (Scotland) Act 1995 relating to transactions involving heritable property; contracts for goods, services or works; and notices and orders relating to compulsory purchase orders; and
- h) 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.

## 16 Forensic Services

16.1 The Chief Officer is authorised to enter into necessary arrangements for the provision of forensic services to the Police Service of Scotland, the Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal, within approved budget limits. 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. Any joint arrangements which have a value of over £100,000 require Board approval.

## 17 Independent Custody Visiting

17.1 The Chief Officer 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.

## 18 ~~Conduct & Complaints~~ Performance of Senior Officers

~~18.1 The Chief Officer is authorised to do the following:~~

- ~~a) Maintain, on behalf of the Authority, suitable arrangements for the handling of relevant complaints, in terms of section 60(1) of the Act;~~
- ~~b) Keep informed, on behalf of the Authority, as to the manner in which relevant complaints are dealt with by the Chief Constable, with a view to being satisfied that the arrangements maintained~~

~~by the Chief Constable for this purpose are suitable (section 60(3) of the Act);~~

- ~~c) Investigate and respond to relevant complaints made about the Authority or members of the Authority's staff (with the exception of complaints made about the Chief Officer, which will be dealt with by the People Committee);~~
- ~~d) Perform the functions of the Authority under the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013, with the exception of the following:
  - ~~(i) decisions as to whether to suspend a senior officer (regulation 6);~~
  - ~~(ii) decisions as to the action to be taken following receipt of the investigator's report into the alleged misconduct (regulation 15);~~
  - ~~(iii) the appointment of panels for misconduct hearings (regulation 18);~~
  - ~~(iv) determining the procedure for appeals against the decisions of misconduct panels (regulation 26);~~~~

~~e)a) Perform the functions of the Authority under the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016, with the exception of the following:~~

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

~~The Chief Officer or his/her delegated representative, must report to the Policing Committee in respect of Complaints matters at each meeting of the Policing Committee.~~

## **19 Health & Safety**

19.1 The Chief Officer 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"). This includes taking the lead role in ensuring that Authority Members, managers and other Authority 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.

## **20 Emergency Planning**

20.1 The Chief Officer 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. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

## **21 Freedom of Information**

21.1 The Chief Officer is authorised to make such decisions and take such action, as are required to satisfy the Authority's obligations under:

- a) the Freedom of Information (Scotland) Act 2002;
- b) the Environmental Information (Scotland) Regulations 2004;
- c) the Data Protection Act 1998;
- d) the Public Records (Scotland) Act 2011

## **22 Applications for assistance with legal expenses**

22.1 The Chief Officer is authorised to consider applications from constables for assistance with the payment of legal expenses arising from alleged unlawful conduct by them, or in connection with Fatal Accident Inquiries.

## **23 Pensions**

23.1 The Chief Officer is authorised to do the following:

- a) make decisions regarding flexible retirements in line with the Pensions Discretionary Policy;
- b) make decisions on pension forfeiture cases;
- c) 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.

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.

- d) make decisions on individual cases regarding –
  - i. granting an underpayment of an injury on duty award.
  - ii. granting a retrospective injury on duty award.

In the case of injury on duty awards funding implications are a matter for SPPA. The Authority is the decision maker in respect of entitlement and action. The Authority cannot proceed without the agreement of SPPA.

- e) all decisions made under (a)-(d) above must be reported to the People Committee as soon as it is practicable to do so.

## **24 Ill-Health Retirements**

24.1 The Chief Officer is authorised to consider and determine applications from police officers for Ill-Health retirement, provided that:

- a) the People Committee is advised of all such applications;
- b) decisions taken are formally reported to the People Committee as soon as it is practicable to do so.

## **25 Injury on Duty Awards**

25.1 The Chief Officer is authorised to consider and determine applications from police officers for Injury on Duty awards, provided that:

- a) the People Committee is advised of all such applications;
- b) decisions taken are formally reported to the People Committee as soon as it is practicable to do so.

## GLOSSARY OF TERMS

<b>Definitions</b>	
The Authority	The Scottish Police Authority - the body corporate established under the terms of the Police and Fire Reform (Scotland) Act 2012
Accountable Officer	Can delegate authority for budgets and associated strategic and financial management responsibilities  however,  while an Accountable Officer can delegate authority the responsibilities of an Accountable Officer cannot be delegated or shared.
Best Value	Best Value is about continuous improvement, seeking to change the way things are done in a way that transforms and sustains the delivery of quality public services in Scotland.
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.
Leases	<b>Operating</b> - a lease whose term is short compared to the useful life of the asset or piece of equipment (an airliner, a ship, etc.) being leased. It is commonly used to acquire equipment on a relatively short-term basis.
	<b>Finance</b> - a lease that transfers substantially all the risks and rewards incidental to ownership of an asset. Title may or may not eventually be transferred.
Major Investment Project	Investment projects with a budget of £5M+ including fees and VAT.
VAT	All sums stated in this Scheme of Delegation are inclusive of VAT
Virement	The term used for the process by which funds are moved between budget sections or subheads (detailed subdivisions of budget sections as set out in the Budget Documents) such that additional expenditure on one is met by savings on one or more others.
Section 83	Section 83 of the Police and Fire Reform (Scotland) Act 2012:

	<p><b>Co-operation between Scottish Police Authority and Police Service</b></p> <p>(1) The Authority and the Chief Constable may make arrangements under which –</p> <ul style="list-style-type: none"><li>(a) The Authority is to provide assistance to the Police Service or</li><li>(b) The Police Service is to provide assistance to the Authority</li></ul>
--	---

**LIST OF LEGISLATION REFERENCED IN THIS SCHEME OF DELEGATION**

Civil Contingencies Act 2004

Requirements of Writing (Scotland) Act 1995

Police and Fire Reform (Scotland) Act 2012

Public Finance and Accountability (Scotland) Act 2000;

Land Reform (Scotland) Act 2003

Freedom of Information (Scotland) Act 2002;

Environmental Information (Scotland) Regulations 2004;

Data Protection Act 1998;

Public Records (Scotland) Act 2011

## **FINANCIAL DELEGATIONS –SPA/POLICE SCOTLAND**

The Authority's Financial Delegations are set out below. However, linked transactions which exceed any of the financial delegations as set out for the Chief Officer and/or Executive sub-group require Board approval.

Linked transactions which exceed any of the delegations as set out for the Board require Scottish Government approval. Examples of linked transactions would include, but are not restricted to:

- multiple transactions with the same organisation/individual or organisations/ individual within a group structure
- transactions with more than one organisation/individual linked by contract, memorandum of understanding or other legal framework
- transactions with more than one organisation/individual engaged in similar work types.

All financial delegations must take full account of serial transactions. The financial delegations must be regarded as cumulative. Therefore, in all circumstances full consideration must be given to the cumulative and combined effect of all financial transactions. Where the cumulative and combined effect exceeds the delegated financial authority levels set out below approval must be sought from the next highest authority level in all cases. By way of example, should the Chief Officer believe that in a heritable property transaction, a cumulative and combined effect presents itself, then it is necessary for him or her to seek Board approval prior to proceeding with the transaction. This is an underpinning rule which holds true for all transactions and financial delegation activities.

## Financial Authorisations Summary

Financial authorisation limits in respect of the Authority and Police Scotland are determined by the Board on the recommendation of the Chief Officer.

Item	Type of expenditure (if applicable)	Authorisation		
		Police Scotland	Chief Officer/Accountable Officer	SPA Board / SG
Transfer funds between headings and between capital projects	Authority Staff		up to £200,000	Over £200,000. (1% Cumulative Annual Variation Allowed)
	Other costs		up to £200,000	Over £200,000. (2.5 % Cumulative Annual Variation Allowed)
Heritable Property	Routine Purchase	N/A	Up to £1m	To SG over £1m up to £2m
	Routine disposal	N/A	Up to £1m (provided market value met.)	
	Non routine disposal	N/A	All to CEO (on to Board)	All to Board (on to SG)
Leases	Operating lease		Up to £50,000 and up to a period of 5 years	To SG exceeding £50,000 or more than 5 years
Tenders & Contracts	Award of Goods & Services	Up to £500,000	From £500,000 to £1m	From £1m up to £2m
	Award of Works (construction)	Up to £500,000	From £500,000 to £2m (OJEU Threshold) (to SG over £2m)	From £2m to £4m (OJEU Threshold) (to SG over £2m)
	Extension		Over £1m	
	Non-competitive action (NCA)	Up to £25,000	From £25,000 to £1m (on to SG)	Over £1m (on to SG)
External Businesses & Management Consultancies			up to £100,00 (to SG over £100K)	Over £100,000 (to SG over £100K)
Capital Investment (Major Projects)	Investment appraisal/ business case		Up to £2m	To SG over £2m
Legal	Settling legal actions & claims against the Authority		From £75,000 to £250,000	Over £250,000

Item	Type of expenditure (if applicable)	Authorisation		
		Police Scotland	Chief Officer/Accountable Officer	SPA Board / SG
	Settling legal actions & claims against the CC	From £75,000 to £250,000 (consultation with SPA Legal)		
Write off, bad debt/losses			Up to £25,000 (to max. £100k within F/Y)	From £100,000 (accumulated over F/Y)