

## Minute of Scottish Police Authority Board Meeting

<b>Meeting</b>	Scottish Police Authority Board Meeting <b>PUBLIC SESSION</b>	<b>Date/Venue</b>	Thursday 22 June 2017, Carlton Hotel, Edinburgh.
<b>Meeting Called By</b>	Andrew Flanagan, Chair	<b>Start Time</b>	13:00
<b>Meeting Ref No</b>	SPABM-220617	<b>End Time</b>	16:10

<b>Members Present</b>		<b>In Attendance</b>	
<b>Name</b>	<b>Title</b>	<b>Name</b>	<b>Title</b>
Andrew Flanagan	Chair	Chief Constable Phil Gormley	Chief Constable, Police Scotland
David Hume	Authority Member	DCC Johnny Gwynne	Deputy Chief Constable, Police Scotland
Robin McGill	Authority Member	DCC Rose Fitzpatrick	Deputy Chief Constable, Police Scotland
Nicola Marchant	Authority Member	DCO David Page	Deputy Chief Officer, Police Scotland
Elaine Wilkinson	Authority Member	James Gray	Chief Financial Officer, Police Scotland
Caroline Stuart	Authority Member	Gordon Downie	Strategic Business Adviser, SPA
Matt Smith	Authority Member	John Foley	Chief Executive Officer, SPA
Grant Macrae	Authority Member	Catherine MacIntyre	Head of Business Services, SPA
Robert Hayes	Authority Member		
Iain Whyte	Authority Member		

\*Denotes Standing Item

## **1.1 Chair's Opening Remarks (Andrew Flanagan)**

1.1.1 The Chair welcomed Board Members and attendees and congratulated DCC Rose Fitzpatrick on the recent award of a CBE and DCC Johnny Gwynne on award of the Queens's Police Medal. The Chair also welcomed attendees from the public, staff associations and Jude Helliker who had recently been appointed to Police Scotland as Director of People and Development.

1.1.2 The Chair noted that the Board had introduced a new process of taking questions from the public which may relate to papers on the agenda. One such question was about the SPA's choice of venues for Public Session meetings. The Chair explained that there were a number of criteria for selecting venues and, as a national organisation, the Board had an obligation to hold meetings at different locations across Scotland. The first option would always be to consider a public sector venue, but as with commercial venues, as a minimum it would require to meet access, security and value for money criteria. In addition, the SPA's own premises did not have the space necessary for holding public meetings. There had also been questions asked about the Board Member appointment process. However, the Ministerial appointments process is a matter for Scottish Government rather than the SPA.

## **1.2 Apologies (Andrew Flanagan)**

1.2.1 Apologies were received from SPA Board Members George Graham and Graham Houston and DCC Iain Livingstone.

## **1.3 Declarations of Interest (Andrew Flanagan)**

1.3.1 There were no Declarations of Interest.

## **1.4 Any Other Business (Andrew Flanagan)**

1.4.1 There was no other business raised by Members.

## **2 Minute and Actions from previous meeting: (Andrew Flanagan) For Approval**

### **2.1 Minutes from Board Meetings held 25 May and 7 June 2017**

2.1.1 Minutes from Board Meeting held 25 May 2017 and 7 June 2017 were **APPROVED** as an accurate record of proceedings.

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## **2.2 Rolling Action Log – Carried Forward from 7 June 2017**

2.2.1 Members **APPROVED** the action log from 7 June 2017.

## **3 MATTERS ARISING**

3.1 There were no significant matters arising from the previous minute.

## **4. Business Conducted Since Last Meeting 7 June 2017 (Andrew Flanagan)**

4.1 The Chair advised that on 9 June 2017, Members approved the appointment of Police Scotland's Director of Transformational Change. However, the process had not yet fully concluded and, therefore, no formal public announcement had been made.

## **5. Summary Note from Closed Session Board Meeting held on 7 June 2017 (Andrew Flanagan)**

5.1 The Chair advised that the Board had taken further steps to improve communications from all Board meetings. Closed Session agendas would be published 7 days prior to a Board meeting and include the rationale for taking any items in Closed Session. A summary of business conducted at that meeting would then be published on the website with the papers for the subsequent Public Session Board meeting. No questions or comments had been received from stakeholders or members of public in relation to the above summary note.

5.2 Members **NOTED** the Summary Note from Closed Session Board meeting held on 7 June 2017

## **6. Chief Constable's Report (Chief Constable Philip Gormley)**

6.1 Chief Constable Philip Gormley (CCPGormley) spoke about the recent terrorist attack at Finsbury Park on Monday 19 June 2017. As a precautionary measure, Police Scotland had increased patrols, including around 84 mosques, and also reached out to those communities to provide confidence and reassurance about protection. Hate crime was continuously monitored, with no significant rise detected. However, CCPGormley was aware of under reporting in that area and encouraged the public to report hate crime so that Police Scotland could respond appropriately.

6.2 CCPGormley summarised a number of other key points within his report, including:

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- i) Counter Terrorism Awareness Week had launched on Sunday 18 June, led by ACC Steve Johnson.
- ii) A number of recent high profile events had taken place in Scotland which required significant operational activity and officers had received a positive response from the public.
- iii) Two high profile crime investigations had resulted in significant prison sentences.
- iv) Police Scotland had its largest passing out parade of 199 probationary officers on Friday 9 June 2017.

6.3 Members discussed the points raised by CCPGormley and raised a number of questions in relation to health, wellbeing and staff morale and CT Week.

6.4 CCPGormley advised that officer welfare was an issue that was taken very seriously by line managers and considered carefully when reviewing duty planning. In relation to CT Week, CCPGormley explained that it was a UK wide programme with a coordinated response. There had been a measured public response with sensible reporting and good engagement with communities who may feel threatened about recent events.

6.5 The Chair commented that recent events had raised the profile of the Prevent programme and asked if Police Scotland were content with the current approach, or if there was a need to review this. CCPGormley said that Prevent was not universally liked or supported in some parts of the UK. However, the approach in Scotland was much more about safeguarding and protecting children and young people from radicalisation. CCPGormley's view was that Scotland is better placed compared with other parts of the UK. Scotland also had a lower number of referrals in relation to right wing extremism compared to other parts of the UK.

6.6 A final question was raised about the Erasmus+ Programme and, in the context of Brexit, what strategies were in place for maintaining initiatives, such as the one referred to in the Chief Constable's report, in the absence of European funding streams. The Chair also commented that as Brexit terms develop, the Board needed to understand the relationship between Police Scotland and the International Agencies and how that may be impacted. CCPGormley offered to bring back a report addressing all of the points raised.

**250617-SPABM-001: Police Scotland to provide a wider briefing including European funding as a percentage of total funding, and impact of Brexit for Police Scotland, including relationships with other agencies.**

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6.7 Members **NOTED** the Chief Constable's Report.

## **7. Financial Report – Indicative End Year Outturn (James Gray)**

7.1 James Gray (JGray) presented the report. Members noted that it was a provisional position and that the figures were yet to go through the external audit process.

7.2 JGray drew Members attention to the following points:

- i) Over spend on revenue of £29.4m which was as a result of unidentified savings that had not been achieved.
- ii) Over spend on capital of £0.3m due to the acceleration of spend towards the year end which was largely due to timing of ICT capital spend.
- iii) Under spend of £12.6m in reform, £8m of which had been unallocated and £4m related to items that had previously been classified as reform expenditure until otherwise advised by Scottish Government.

7.3 JGray confirmed that the overall position was a £17.1m net overspend. The Chair noted that the forecasting accuracy had improved within Police Scotland as a result of tighter financial controls which was welcomed by the Board. The variance analysis was also very helpful.

7.4 Elaine Wilkinson (EWilkinson) agreed that forecasting was stabilising, however, there were a few issues that the Finance Committee would be exploring further at the end of June. For example, the over spend in revenue seemed to relate to the 2026 strategy and, therefore, why was this presented as revenue overspend when there was reform funding to cover these costs. In addition, there were still questions about Trade Union costs, unidentified savings that were not met, as well as identified savings that were not met.

7.5 JGray advised that discussions with Scottish Government about Trade Union costs were still ongoing, however, he would look further into the points raised by the Board and report back to the Finance Committee about the underlying figures. JGray also provided assurance that for 2017/18 there would be a discrete reform budget and this would also be reported separately. EWilkinson stated that Members needed to understand the controls being put in place to assure the 2017/18 budget savings as there had been an expectation of in year savings in 2016/17 which were not realised. JGray confirmed that he would discuss this further with the Finance Committee. Referring to Trade Union costs, John Foley (JFoley) advised that it was his understanding that

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Scottish Government would be funding these costs and he would be writing to Trade Union colleagues to make them aware.

7.6 Members asked for clarification about eligibility of what was included within 2017/18 budget and also further detail about the accrued benefits of the £40m reform funding spent in 2016/17 to ensure that spending of reform funding is effective. JGray advised that the process for approval to use reform funding is agreed with Scottish Government. It will be a business case driven process, with approval route from Police Scotland via SPA and on to Scottish Government. There would be a forward workplan and JGray assured Members that going forward it would be a far more proactive and robust approach to use of reform funding.

**250617-SPABM-002: James Gray to provide Members with further information about the eligibility of what is included within the 2017/18 budget and further detail about the accrued benefits of the £40m spend in reform for 2016/17 to ensure that spending of reform funding is effective.**

7.7 A question was also raised about the reason for the over spend on staff costs. JGray advised that the over spend was due to Police Scotland having made an assumption that fulltime police staff would reduce by 200, but the actual figure was 146. The Chair said that future reports needed to include detailed supernumary costs so that there was clear understanding and visibility of these costs at all times.

**250617-SPABM-003: James Gray to ensure that future financial reporting includes detailed figures about supernumary costs in order to provide Members with a clearer understanding of what those costs are.**

7.8 Members also asked if there was still unallocated reform funding. DPage confirmed that the areas had been identified, but the business cases in order to draw down the funding had still to be developed. Members agreed that it would be beneficial to return to these questions in August when the first reforecast for the year comes forward.

**250617-SPABM-004: James Gray to provide detail of proposed reform funding allocations within the reforecast for the August Board meeting.**

7.9 The Chair then referred to the audit process and the Section 22 action plan and asked how confident Police Scotland were that they would avoid issues encountered in previous years. JGray confirmed that Police Scotland were on track with every action, that internal check lists were in place and internal audit would be undertaking an assurance audit at an earlier stage than last year. JGray also provided a summary of the steps that had been taken to ensure that

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the draft Annual Report and Accounts would be ready by the end of June, including a process of quality checks and monthly engagement with Audit Scotland.

7.10 The Chair informed Members that the draft Annual Report and Accounts were due to go to the Audit Committee 25 July 2017 and asked the Chair of the Committee, David Hume, to advise the Board of progress following that meeting. DHume stated that the Audit Committee had been receiving fortnightly progress updates on the Annual Reports and Accounts which had provided a good degree of assurance and confirmed that he would report to Board Members at the next meeting.

**250617-SPABM-005: Audit Committee to report back with assurance to the 24 August Board meeting after the Committee meets to review the draft annual report and accounts on 25 July 2017.**

7.11 Finally, JGray confirmed that there had also been improvement in obtaining other information required for inclusion within the Annual Report and Accounts. This could be further improved, but full support had been given from the Force Executive, estates and legal.

7.12 Members **NOTED** the Financial Report – Indicative End Year Outturn Report.

**8. 2026 Strategy – Serving a Changing Scotland:**

**8.1 Final draft 2026 Strategy for Policing (Andrew Flanagan/ Chief Constable Phil Gormley) For Approval**

8.1 The Chair commented on the significance of reaching final approval of the 2026 Strategy which sets out a clear direction for policing for the next 10 years. Members had received an earlier draft of the strategy in a Closed Session Board meeting because the draft had still to be submitted to the Cabinet Secretary for Justice for consideration prior to being laid in Parliament on the morning of Tuesday 19 June 2017. The Cabinet Secretary had then endorsed the Strategy to Parliament that afternoon.

8.2 The Chair noted the importance of obtaining the Cabinet Secretary's support before Members considered approval of the 2026 Strategy. The Cabinet Secretary had acknowledged that decisions around resourcing and police officer numbers should be for the Chief Constable to make. However, the Cabinet Secretary also made clear that there needed to be evidence of productivity improvements and release of officers from non-policing duties prior to any significant reduction in officer numbers being considered. In terms of governance, the Cabinet Secretary also gave a strong steer that he expected the SPA and HMICS to work together to oversee the implementation of the Strategy.

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8.3 The Chair then invited CCPGormley to comment on the consultation that had been undertaken, as well as the IT Strategy and the area of demand analysis. CCPGormley thanked staff, partners, stakeholders and the public for taking part in the consultation. It had been a significant undertaking and had shown a need for more emphasis in certain areas of the strategy. The strategy addressed many issues within policing, was a coherent vision for the next 10 years and had received high levels of consent and approval. CCPGormley referred to demand analysis and the work that had been done to determine the true picture of demand coming into the police service. CCPGormley also discussed the complications around prevention versus protection and noted that the Strategy was starting to lay out clearly how those approaches needed to be developed.

8.4 The Chair referred to the IT Strategy and asked if it would be addressed at a later date. DPage explained that the IT Strategy needed to be business led and support the transition from where Police Scotland is now and where it needs to be in the future. The focus initially would be infrastructure and data and this is linked into the outcomes that Police Scotland want to achieve.

8.5 Prior to moving to formal approval, the Chair stated that the work on the Strategy had been a joint endeavour by SPA and Police Scotland. However, the implementation of the Strategy was now for Police Scotland to deliver and the role of the SPA changes to one of monitoring and holding the Chief Constable to account for its implementation. The Chair then asked the Chief Constable if he accepted the responsibility for the implementation of the strategy. CCPGormley confirmed that he was content to accept that responsibility.

8.6 The Chair then turned to Members and asked if they were content to approve the 2026 Policing Strategy.

8.7 The Board **APPROVED** the 2026 Policing Strategy.

8.8 EWilkinson commented that all those involved in the development of the Strategy should be commended on such an excellent piece of work. The Chair agreed and thanked the 2026 Policing Group, led by ACC Malcolm Graham, for their work and asked CCPGormley and JFoley to pass on the Board's comments.

**250617-SPABM-006: Chief Constable Phil Gormley and John Foley to pass on the Board's thanks to Police Scotland staff for their hard work.**

## **8.2 Draft 3 Year Transformation Implementation Plan Progress (David Page)**

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8.2.1 DPage introduced this item stating that the transformation of Police Scotland was about continuous improvement in policing to address the threats outlined within the Strategy and improve the corporate support functions, financial controls and governance. It was not about reducing police officer numbers.

8.2.2 DPage then moved on to provide Members with a presentation entitled "Building the 3 year Transformation Plan" which informed Members of the transformation focus and the 3 major phases to its delivery:

- Build capability and capacity;
- Manage In-flight projects; and
- Develop integrated transformation.

8.2.3 DPage referred Members to page 19 of the "Implementing Our Strategy" document which illustrated activity and how it linked to an outcome within the 2026 Strategy. DPage took Members through the process of moving from Strategy through to implementation and provided information about the priorities for 2017/18. However, Members noted that the transformation team would not be in place until July/August.

8.2.4 The Chair agreed that getting a good implementation plan was important and preparation was critical and that Members understood the need to build a strong team to assist with the development of the plan. However, this could not be an open ended process; there was a need to make progress and reach an agreed implementation plan. Audit Scotland would also have an interest in progress with development of the 10 year financial strategy and this needed to be in place before the annual audit was complete.

8.2.5 The final draft of implementation plan was scheduled to come to the Board in August for approval and the Chair the questioned whether Police Scotland could deliver it by then and to the right quality. DPage said that Year 1 of the plan would be very clear, as well as the 3 year financial strategy. The Chair asked if Members should accept that as a further draft, with the final approval being slipped until September. DPage said that the draft plan still needed to be shared with a number of stakeholders and, therefore, bringing the final draft to the September Board meeting would be helpful.

8.2.6 Questions were raised about the timescales, noting that by the end of the summer there would only be six months left to achieve full year savings. DPage advised that there would be clear year one deliverables as part of the programme, but significant IT investment was required. Plans were in place to realise savings this financial year.

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8.2.7 The Chair said that there needed to be better understanding of how savings can be delivered from business as usual and confidence about this needed to be developed through the Finance Committee. Whilst it may be the correct approach, Members needed more confidence that the £47m deficit target would be delivered this year. DPage said that plans would be robustly scrutinised by Police Scotland and partners before coming to the SPA Board. However, RMcGill still had concern about Police Scotland's ability to deliver the savings in 2017/18 and also that there was nothing built into the budget for this year around transformational savings related to the 2026 Strategy. DPage advised that Police Scotland were aware of the challenges and said that the team were working hard to ensure there were plans in place to achieve the savings for this year.

8.2.8 Members continued discussion and raised further questions in relation to:

- i) Baselining and whether Police Scotland were confident that everything was in place for measuring KPI's, especially against the section on increasing operational capacity.
- ii) Best value and how Police Scotland will address matching resource to demand.

8.2.8 Members were advised that with regard to baselining, increasing operational capacity was the area of greatest priority. Those metrics needed to be developed with stakeholders and staff associations to ensure visibility on what was being proposed.

8.2.9 CCPGormley then explained how clear recording of resourcing was being shifted through formal programme and project management, along with changes in philosophical approach to deployment of resources. However, demand was about local approaches to policing and ACC John Hawkins would be addressing this carefully by prototyping approaches within divisions and departments.

8.2.10 A further question was asked about whether Police Scotland were confident that they had all the appropriate baseline information. CCPGormley noted that one of the challenges faced by Police Scotland was the range of systems that been inherited from legacy police forces. As far as possible, Police Scotland would follow an evidence base, but it was a complex area of work.

8.2.11 Caroline Stuart (CStuart) asked for clarification about the strategic lead for the Transformation Programme and commented that it would be useful to see more on Master Data Index going forward. DPage advised that the strategic lead was the Chief Constable as the strategy and transformation plan was about shaping operational policing. The command team's role was to deliver a professional infrastructure and the Director of Transformational Change would be

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tasked with the delivery of the plan. DPage confirmed that he would report back on the Master Data Index.

**250617-SPABM-007: David Page to provide members with more information on Master Data Index.**

8.2.12 In conclusion, the Chair said that Police Scotland needed to return to the Board in August with key answers on the following:

- i) Is the intention still to have a 3 year implementation plan starting from 1 October, or a 2.5 year plan starting from 1 October?
- ii) What the financial impacts of slippage would be for years 2 and 3, and if financial stability can still be achieved by year 4?

**250617-SPABM-008: David Page to return to the Board with confirmation that:**

- i) Police Scotland are on track with 3 year implementation plan starting on 1 October 2017, or 2.5 year implementation plan starting 1 October.**
- ii) Financial stability will still be achieved by year 4.**

8.2.13 Members **NOTED** the update on development of the Draft 3 Year Transformation Implementation Plan Progress.

**8.3 Draft 3 Year Financial Plan (James Gray)**

8.3.1 The Chair opened discussion on this item and asked Members for comments on the Draft 3 Year Financial Plan.

8.3.2 The Board raised a number of points and noted that there needed to be better integration between the Financial Plan and Transformation Plan. In particular, the Board asked for assurance that any in year initiatives taken to ensure that the 2017/18 budget is met, were not in conflict with the aims of the 2026 strategy.

8.3.3 DPage advised the Board that the 3 year financial plan had not been brought fully together because the transformation implementation plan was still in development. In terms of year 1 savings, DPage confirmed that no action would be taken that was inconsistent with the strategic direction. It would have been preferable for savings to be delivered from the transformation plan, however, timescales mean that this is not possible in year one.

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8.3.4 Board Members stated the need for a reality check around the salary costs in years 2 and 3, and asked for confirmation of when this information would be available as this was both a high cost and high risk area. JGray advised that this was being worked on over the summer. The Chair reminded Members, that there was a huge financial challenge ahead and that Police Scotland needed to remain aligned to current Public Sector Pay Policy.

8.3.5 The Board then referred to the substantial underpinning financial savings required for transformational change to take place and questioned how confident Police Scotland were that these figures were achievable. DPage explained that Police Scotland were not dependent on this year's savings to fund transformation and that there was a separate Scottish Government budget for this. In addition, there is a smaller number of unidentified savings this year which are efficiency savings. JGray then referred Members to table 3 of the report which set out at high level what Police Scotland anticipated delivering based on early discussions around the projects that were planned in the first 3 years. The figures were still indicative and more work would be done over the summer to allow Police Scotland to provide the Board with assurance about the underpinning projects and a clearer understanding of where savings were coming from.

8.3.6 The Board noted that projected savings were often not met and would, therefore, be reluctant to approve a plan without a clear picture of where savings were coming from. DPage agreed and advised Police Scotland would have those figures and provide more assurance by August.

**250617-SPABM-009: James Gray to report back to the 24 August Board meeting with some assurance and detail of the underpinning projects so that Members have a clearer understanding of where savings were coming from.**

8.3.7 The Board noted that the Finance Committee would receive more detailed figures, but that by August there would only be 6 or 7 months to get back on track. However, the reforecast would provide more clarity and indicate whether any remedial action was required to achieve the budget.

8.3.8 In conclusion, the Chair asked for both the Transformation Implementation and 3 Financial Plans to be updated for the August Board meeting, prior to returning to the Board in September for approval.

**250617-SPABM-010: David Page to update the Implementation Plan, addressing the points made by the Board on 22 June 2017 and come back to the Board with a further more detailed developed plan on 24 August 2017.**

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**250617-SPABM-011: David Page to bring forward the final Implementation Plan and 3 Year Financial Plan to the Board for approval.**

8.3.9 Members **NOTED** the update on the Draft 3 Year Financial Plan.

**8.4 SPA Governance Arrangements (Andrew Flanagan) For Approval**

8.4.1 The Chair presented a proposal to Members setting out the SPA's approach to the governance arrangements for the oversight of Police Scotland's 2026 Transformation Programme. The purpose was to ensure the Board were kept fully informed by adopting a similar approach to the C3 assurance process. The Chair made clear that the proposed Transformation Working Group would not consider individual projects or business cases, as these would be progressed through normal Committee processes and overall monitoring would be a matter for the Board.

8.4.2 The Chair commented that group would meet quarterly and that the Terms of Reference for the working group would come to the Board in August.

8.4.3 Members **APPROVED** the proposed approach to the SPA's governance arrangements for the oversight of Police Scotland's 2026 Transformation Programme.

**9. Relocation of Haddington Police Station to shared accommodation at Headquarters of East Lothian Council at John Muir House, Haddington (Gordon Downie) For Approval**

9.1 The Chair advised Members that the matter had returned to the Board because further negotiations had led to agreement of a 7 year break clause which was not within the SPA Chief Executive's delegated approval levels.

9.2 Gordon Downie (GDownie) stated that East Lothian Council had been approached with the aim of agreeing a 5 year break clause. However, the outcome of negotiations was an initial 7 year break clause, with a 5 year rolling break clause thereafter.

9.3 Members **APPROVED** the Relocation of Haddington Police Station to shared accommodation at Headquarters of East Lothian Council at John Muir House, Haddington

**10. SPA Corporate Governance Framework:**

**10.1 Review of Governance in Policing Implementation – End Project Report (John Foley)**

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10.1.1 JFoley presented the report. Members were advised that some actions were continuous and would be subject to ongoing assessment. Further action would also need to be taken to revise processes following the decision taken by the Board on 25 May to hold Committee meetings in public. This information would then be reviewed by HMICS as part of their Inspection later in the year.

10.1.2 The Chair confirmed that the majority of the recommendations from the Governance Review had now been implemented, with some additional changes following the Board Meeting in May. However, further changes may flow from the recent HMICS Phase 1 Inspection and the Audit Scotland audit in the autumn.

10.1.3 Members **NOTED** the Review of Governance in Policing implementation – End Project Report.

## **10.2 SPA Corporate Governance Framework – Six Months’ Review Terms of Reference (David Hume)**

10.2.1 DHume advised Members that the nature of the work required had changed because of recent events and it was, therefore, important to set out a number of clear guiding principles that would shape the SPA’s governance going forward. The aim would be to develop a Good Governance Self-Assessment workbook, against which the operation of the SPA’s governance structure could be measured following implementation of the HMICS recommendations. This would lead to development of a good governance improvement plan that could be taken forward and would be flexible enough to include any subsequent HMICS or Audit Scotland improvement actions.

10.2.2 The Chair commented on the recommendation within the HMICS Report that suggested postponing this review until the full inspection and Audit Scotland audit had completed and said that further discussion with HMICS would be helpful to understand their thinking behind this recommendation. It would also be useful to understand both HMICS and Audit Scotland views of what ‘good governance’ looks like. However, it was important to move forward on certain aspects, for example, to address the specific issue within the Scheme of Delegation. The Chair asked DHume to engage with HMICS on these points and report back to the Board to allow a fuller discussion about the timing of the review.

**250617-SPABM-012: John Foley to ensure that the Governance Framework is updated to reflect the Board decision on 25 May and the specific issue within the Scheme of Delegation.**

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**250617-SPABM-013: David Hume to have further discussion with HMICS and Audit Scotland and come back to the Board to allow a fuller discussion about the timing of the review.**

10.2.3 CStuart asked for a Gantt chart be produced that captures all reviews and inspections taking place within the SPA.

**250617-SPABM-014: John Foley to produce a Gantt chart that captures all reviews and inspections taking place within the SPA.**

10.2.4 Members **NOTED** the SPA Corporate Governance Framework – Six Months' Review Terms of Reference.

### **10.3 SPA Board Committee Membership and Other Representation (Andrew Flanagan) For Approval**

10.3.1 The Chair advised Members of the need to have the appropriate skills mix within each Committee and summarised the process that had been followed to arrive at the Membership proposal being put forward to the Board for approval. The Chair noted that the proposal included an additional Forensic Services Committee which would replace the existing Forensic Services Management Advisory Group. The Terms of Reference for this Committee would return to the Board in August as part of the 6 months' review of the SPA Governance Framework.

10.3.2 The Board **APPROVED** the proposal set out within the paper.

**250617-SPABM-015: John Foley take forward the necessary amendments to the SPA Corporate Governance Framework as a result of the proposals and take steps necessary to implement the proposals set out within the report.**

### **10.4 HMICS Inspection of the SPA – Phase 1 Review of Openness and Transparency (Andrew Flanagan)**

10.4.1 The Chair advised the Board that there was a requirement to write back to the Justice Sub Committee with SPA's views on the report and referred Members the series of recommendations, noting that action to discharge a number of the recommendations was already in progress or completed. However, others, including how the SPA operates, still require to be addressed and the expectation is that the review of functions will report to the Cabinet Secretary for Justice in the autumn. NMarchant would be representing the SPA Board.

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10.4.2 NMarchant informed the Board that the review of functions would be undertaken jointly with Malcolm Burr and they were scheduled to meet with Scottish Government to agree Terms of Reference and boundaries. The legislation sets out the SPA's responsibilities and it was important to have a clear and shared understanding of that. NMarchant described the engagement process which would include Board Members and the broader SPA corporate team who had now been informed about the purpose of the review.

10.4.3 NMarchant then referred to the HMICS report and asked JFoley about the effect it had on staff morale following its publication. JFoley advised that morale had been damaged and that he had received a number of representations from staff in that respect. Members were aware that the report had been 'leaked' prior to the planned publication and this had resulted in the information entering into the public domain before HMICS had an opportunity to explain the content. One of the issues was around terminology and the use of the word 'capacity' which was being picked up by the media as lack of ability as opposed to numbers. Staff feel very aggrieved and view the report as questioning their abilities and capabilities. JFoley added that he had spoken to HMICS Derek Penman the previous day and he had provided assurance that this had not been the intention within the report.

10.4.4 The Board agreed that this was very unfortunate and noted that SPA staff had been through some very challenging times. NMarchant asked JFoley to provide staff with reassurance that she and Malcolm Burr would be engaging with them as part of the review of functions.

10.4.5 The Board also asked if there would be an enquiry to the leak. JFoley said that it would be a matter for HMICS to determine.

10.4.6 EWilkinson welcomed the fact that NMarchant was involved in the review because of her understanding of the organisation, but thought that the timescale could be challenging. There was also a need to understand the recommendations further before an action plan could be agreed and EWilkinson queried the timescale for this. The Chair agreed that the evidence base for a number of recommendations was unclear and said that he should write to HMICS so that Members have a better understanding of this.

**250617-SPABM-016: Chair to write to HMICS so that Members have a better understanding of evidence base for a number of recommendations within the HMICS Phase 1 Review of Openness and Transparency.**

10.4.7 Members agreed that some of the recommendations could be open to interpretation and that it would be useful to know the Inspectorate's interpretation of what good looks like. Members also agreed that more context and priority was required to avoid heading off in the wrong direction. EWilkinson

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referred to Audit Scotland as a good source of reference and Members noted that this action would be picked by David Hume.

10.4.8 IWhyte asked JFoley to feedback the nature of the Board's discussion to staff.

**250617-SPABM-017: John Foley to report back to staff within the SPA on the nature of Board discussions over staff morale following the HMICS review.**

10.4.8 Members **NOTED** the HMICS Inspection of the SPA – Phase 1 Review of Openness and Transparency update.

## **11 SPA Chief Executive's Report (John Foley)**

11.1 JFoley presented the report and provided a summary of the highlights. The Chair commented that one of the questions from the public was in relation to BTP and proposed that this should be something for the BTP Integration working group to take forward with Police Scotland.

**250617-SPABM-018: The BTP Working Group to liaise with Police Scotland on what capacity they have to take on the functions of the British Transport Police in Scotland.**

11.2 A number of points were raised about business noted within the report, including the People Committee's growing concern around the in-house resource requirement from both the SPA and Police Scotland in relation to BTP integration. Some further information was also requested about the recent dispute with unions. DPage advised that Jude Helliker, Police Scotland Director of People and Development, was engaging with unions in order to resolve matters.

11.3 Members then referred to a point within the End Project Report (Agenda Item 10.1) about SPA staff taking on projects as part of their day job and that additional resources were required to do this. Members agreed that there was a need to train and upskill staff going forward in order to develop capability. However, the Chair noted the importance of being clear that in relation to the BTP Integration, the SPA's role was as the governing body and Police Scotland was responsible for delivery.

11.4 Members **NOTED** the SPA Chief Executive's Report.

## **12 SPA Independent Custody Visiting Report (John McCroskie)**

12.1 The Chair reminded Members of the purpose of the report in raising the profile of the Independent Custody Visiting Service (ICVS) and the importance of

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having the opportunity to air some of the issues at Board level. The Chair invited John McCroskie, SPA Director of Communication and Relationships, to introduce the report as Brian McFadyen, ICVS National Manager, was on annual leave.

12.2 John McCroskie (JMcCroskie) advised that custody visiting was an activity carried out by ordinary citizens who had the important task of overseeing the welfare of those in detention. The data within the report was effectively an annual review of 2016/17, with no significant issues on individuals' welfare having been identified. All custody suites were visited during the course of the year and any issues were raised with custody staff at the time of visits. Members were provided with further context around the issues raised and noted one issue that is continuously highlighted, ie delays in accessing suites on arrival for inspections.

12.3 Members noted that the vetting process for new volunteers had improved, but new issues had also come to light in 2016-17, including:

- i) The process for making detainees aware of the Letter of Rights.
- ii) Opening and closing of facilities at short notice.

12.4 Members were also informed about SPA's obligations with regard to Scottish Terrorism Detention Centres and that based on recent events in relation to terror activity the SPA agreed it would be beneficial to train up more custody visitors to deal with roles within Scottish terrorist detention centre. Plans were also in place for further training of more custody visitors to improve diversity within this group.

12.5 JMcCroskie referred to children being held in custody and advised that the SPA had written to the DCC Designate in the last month to ask whether the new custody database system was starting to provide more easily available data. However no update had as yet been received.

12.6 The Chair noted the Board's thanks to all the volunteers who carried out visits, often out of normal hours. The Chair also commented that no significant issues had been raised this year, or during the last 3 years, but noted that some issues were recurring and asked Police Scotland how quickly those issues could be resolved.

12.7 DCC Johnny Gwynne (DCCJGwynne) said that Police Scotland were grateful for the service provided by ICVS and that it gave an important objective view on the way custody suites are managed across Scotland. DCCJGwynne referred to the delayed access to suites and advised that in some cases, suites had limited access and that might cause a slight delay. However, DCCJGwynne

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offered to find out more information about the reasons behind delayed access with a view to resolving the issue as far as possible.

**250617-SPABM-019: DCC Johnny Gwynne to identify the reasons for delays for visitors accessing custody suites and police stations during unannounced visits.**

12.8 DCCJGwynne then responded to other points raised as follows:

- i) The Letter of Rights is always offered to detainees on arrival at the custody suite. However, in a small number of cases there are reasons why the Letter of Rights is not issued and those issues are always noted within the custody officer reports.
- ii) Police Scotland has adopted a dynamic use of properties and aim to advise ICVS on a weekly basis of premises that will be closed and the reasons for closures. If it is possible, Police Scotland will try to improve upon this notification process.
- iii) The new custody database went live on the 12 January 2017. The system now provides Police Scotland with information on the number of detainees under the age of 16. 1.8% of those in custody from January to June were under the age of 16, with 7 of those being kept overnight.

12.9 The Board asked that the discussions taking place at the Board meeting are reported back to Independent Custody Visitors to provide them with reassurance that the issues were being progressed. The Board also agreed that it would be useful to receive regular updates on the issues raised. The Chair confirmed that ICVS would provide a 6 monthly report and a progress report on issues highlighted would be provided at the December Board meeting.

**250617-SPABM-020: John McCroskie and Brian McFadyen to feedback Board discussions to Independent Custody Visitors to provide them with reassurance that matters are being addressed.**

**250617-SPABM-021: John McCroskie and Brian McFadyen to report back to the Board in 6 months on the progress of matters that had been brought to the Board's attention.**

12.10 DHume asked for the information relating to children being detained in Police Custody to be included within the activity table of the ICVS Report.

**250617-SPABM-022: John McCroskie and Brian McFadyen to include information relating to children being detained in Police Custody within the activity table of the ICV Report.**

\*Denotes Standing Item

12.11 DHume also asked Police Scotland to provide details on the number of children placed out into secure accommodation.

**250617-SPABM-023: DCC Johnny Gwynne to report back to the Board with information about the number of children placed out in secure accommodation.**

12.12 A final question was raised about the challenges around recruitment within the Western Isles and whether any consideration had been given to recruiting out with the island itself. JMcCroskie explained that there had been a strong response in Orkney and interest from the Western Isles. However, as with all voluntary activity, not everyone was able to follow through with the process of being trained. Nevertheless, it was important to have island responders because of legalised police cells which are predominately within the islands. It was a continuing challenge and, therefore, useful to be able to raise the profile of ICVS at the Board meeting today.

12.13 Members **NOTED** SPA Independent Custody Visiting Report.

**13 Committee Chair's Reports (Public and Closed Session)**

13.1 The Chair asked for future reports to include rationales for closed items.

**250617-SPABM-024: Committee Chairs to ensure future reports include rationales for closed items.**

**13.1 Audit (no report due to this meeting)**

**13.2 Finance**

13.2.1 EWilkinson confirmed that there was nothing to add to the report.

**13.3 People**

13.3.1 NMarchant highlighted that staff associations and unions had been present at the recent public session People Committee. This would be a Standing Agenda Item to test the climate within the workforce and provide an opportunity to obtain direct feedback.

**13.4 Policing (no report due to this meeting)**

**14 Board Workplan**

\*Denotes Standing Item

14.1 The Chair asked if other items are required for future Board meetings they should be reported to Catherine MacIntyre at the SPA.

**15. AOB\***

15.1 There was no other business.

**16. DATE OF NEXT MEETING\*:**

**Closed Session: Wednesday 9 August 2017, Pacific Quay, Glasgow**

**Public Session: Thursday 24 August 2017, Stirling Court Hotel, Stirling**

*Meeting Ended at 16:00*

APPROVED

\*Denotes Standing Item