

## Minute of Scottish Police Authority Board Meeting

<b>Meeting</b>	Scottish Police Authority Board Meeting (Live streamed to the SPA website)	<b>Date/Venue</b>	Tuesday 27 February 2018. Stirling Court Hotel, Stirling.
<b>Meeting Ref No / Minute Reference</b>	SPAPBM-27022018 / MIN-B.01.20180227	<b>Start Time</b>	10:00
		<b>End Time</b>	17.50

Board Members Present: Susan Deacon (Chair)  
Nicola Marchant  
David Hume  
Caroline Stuart  
Grant Macrae  
Iain Whyte  
Matt Smith  
Graham Houston  
Elaine Wilkinson

In Attendance: Scottish Police Authority  
Kenneth Hogg, Interim Chief Officer (*all items*)  
Stephen Jones, Interim Director of Planning and Corporate Support (*Items 1-13*)  
Robin Johnston, Head of Legal & Compliance (*Items 20-22*)  
Catherine MacIntyre, Head of Business Services (*all items*)  
Graham Stickle, Policy & Risk (*Items 14 & 17*)  
Stephen Miller, Clyde & Co (*Items 20 – 22*)  
Deborah Christie, SPA Committee Co-ordinator (*all items*)

Police Scotland  
DCC Iain Livingstone, Interim Chief Constable (*Items 1-19 & 21*)  
DCC Rose Fitzpatrick (*Items 1-19 & 21*)  
DCC Johnny Gwynne (*Items 1-13*)  
DCO David Page (*Items 16-19 & 21*)  
ACC Steve Johnson (*Item 14*)  
Det Ch Supt Martin Black (*Item 14*)  
Tom McMahon, Director of Business Integration (*Items 1-13*)  
James Gray, Chief Financial Officer (*Items 14-19*)  
Jude Helliker, Director People & Development (*Items 14-19 & 21*)  
Fiona Davidson, Interim Risk Manager (*Items 14 & 17*)  
Brian Currie, Procurement (*Items 14, 17-19*)

Observers: Jackie Kydd (*Items 14-16*)  
Hilary Pearce (*Items 14-16*)

## 1. WELCOME AND APOLOGIES

- 1.1 The Chair welcomed Members and attendees to the Board Meeting.
- 1.2 Apologies were received from Board Member, Robert Hayes.

## 2. DECLARATIONS OF INTEREST

- 2.1 No declarations were made.

## 3. MINUTE AND ROLLING ACTION LOG

- 3.1 The Minute of the Board Meeting held on 19 December 2017 was **APPROVED** as an accurate record of proceedings.

- 3.2 The Board **APPROVED** the action log from the meeting held on 19 December 2017 subject to the following amendments:

- 3.2.1 *191217-SPABM-002 Independent Assurance Report on the use of firearms ranges and armouries within Police Scotland* – this action will remain open.
- 3.2.2 *191217-SPABM-006/191217-SPABM-007 - Specialist Operational Support and 191217-SPABM-006/191217-SPABM-008 – Serving a Changing Scotland 3 Year Implementation Plan* – The Board requested development of a process that would provide assurance around benefits realisation. DCC Johnny Gwynne (DCCJGwynne) confirmed that the evaluation and monitoring of initiatives would be ongoing and he would welcome the opportunity to provide updates at the appropriate forum. The Board agreed that while these actions would be closed, a process should be established so that the Authority captures and monitors issues raised during the iterative development of strategic projects.
- 3.2.3 *SPABM-001: Performance Briefing on Counter Terrorism* – The Board sought a briefing to the Policing Committee on organisational learning from the Multi-Agency Training Operation ‘Operation Reiver’ held in October 2017 will be applied in future.

- 3.3 The following actions were **AGREED**:

- 3.3.1 **27022018-SPABM-001: SPA Interim Chief Officer to establish processes whereby (a) assurance can be provided to the Board that points raised at Board meetings are captured and monitored as work is taken forward and (b) the benefits and return on investment are tracked and reported back to the Board at appropriate intervals.**
- 3.3.2 **27022018-SPABM-002: DCC Gwynne to ensure that a report on organisational learning from Operation Border Riever is submitted to the Policing Committee.**

#### 4 DECISIONS SINCE LAST BOARD MEETING

- 4.1 The Board **NOTED** the decision taken on 10 January 2018 about membership of the Complaints and Conduct Committee.

#### 5 DECISION ON TAKING BUSINESS IN PRIVATE

- 5.1 In accordance with paragraph 27 of the SPA Governance Framework, the Board **AGREED** to consider items 14-22 in private for the reasons set out in the agenda.

#### 6 LEADERSHIP AND ACCOUNTABILITY

##### Report by Susan Deacon, SPA Chair

- 6.1 The Board considered a report by the Chair on key developments and issues since her last report in December 2017. These included (a) senior police leadership matters and (b) governance and accountability improvements structured around the suite of guiding principles set out in the report. The Chair also advised that:
- Nicola Marchant (NMarchant) had intimated on 22 February 2018 her decision to step down as deputy chair. The Chair thanked her for her contribution in that role which had included undertaking the Review of the SPA Executive along with Malcolm Burr. Board Members added their thanks for the personal support Nicola had provided to them since joining the SPA
  - Work was being taken forward to develop links with CoSLA and with local scrutiny mechanisms. DHume gave a summary of a recent meeting of the Local Authority Police Scrutiny Conveners attended by the Chair, SPA Interim Chief Officer and DCC Rose Fitzpatrick (DCCRFitzpatrick). The conveners had endorsed the establishment of a Working Group consisting of CoSLA, Police Scotland, the SPA and SoLACE with the aim of sharing evidence and information which would underpin service delivery, policy and collaboration. Further updates on this will be brought to future Board meetings.
  - The requirement for Temporary Traffic Regulation Orders (TTROs) in connection with marches and parades had also been discussed at the CoSLA meeting and Police Scotland had committed to maintaining the previous approach while a resolution was sought in respect of the proposals for change. DCC Rose Fitzpatrick (DCCRFitzpatrick) added that local solutions would be applied while discussions progressed and updates would be provided to the Board via the Policing Committee.

##### Report by Kenneth Hogg, Interim Chief Officer, SPA

- 6.2 The Board considered a report by the Interim Chief Officer, Kenneth Hogg (KHogg), highlighting improvement work underway to ensure the SPA is working effectively, engaging with stakeholders and fulfilling its statutory obligations. The Chair encouraged Members to engage directly with KHogg to inform this development work.

- 6.3 In response to a question, KHogg confirmed that any temporary appointments to the executive team being made were within the current budget parameters.
- 6.4 During discussion, Members emphasised the need for the SPA structure to be fit for purpose in order to carry out its full range of functions including ensuring the Board received the advice and information necessary to discharge its statutory duties.
- 6.5 **The Board NOTED the reports on Leadership, Governance and Accountability from the Chair and the Interim Chief Officer.**
7. **DCC DESIGNATE'S REPORT – verbal update**
- 7.1 DDC Iain Livingstone (DCCILivingstone) provided a verbal report highlighting matters of interest since his report to the previous Board meeting. This included:
- recording his own thanks to Phil Gormley for his contribution to policing.
  - advising that DCC Fitzpatrick had intimated her intention to retire in the summer of 2018.
  - reference to recent evidence given to the Scottish Parliament's Justice Sub-Committee on Policing by the Chief Constable of Durham Constabulary about his inquiry into misconduct allegations against police officers within the former Counter Corruption Unit (CCU). DCCILivingstone advised that Police Scotland had submitted an Organisational Learning report to the Sub-Committee and that the SPA Complaints and Conduct Committee would be considering this report in the near future. DCCRFitzpatrick added that she would be giving evidence to the Sub-Committee on 15 March 2018.
- 7.2 The Board discussed briefly the impact that Police Scotland had had since its inception on 1 April 2013 and agreed that it was now timely to take stock.
- 7.3 **The Board NOTED DCCILivingstone's report and AGREED the following action.**
- 7.3.1 **SPABM-003: DCCILivingstone to report to the Board on the overall growth and development across the organisation since Police Scotland came into being on 1 April 2013.**
8. **DRAFT ANNUAL POLICE PLAN (APP) 2018/19**
- 8.1 The Board considered reports from DCCILivingstone and KHogg on the draft Annual Police Plan (APP). KHogg explained the SPA's statutory role, the link between the strategic and annual police plans and the role of the Policing Committee.
- 8.2 DCCILivingstone highlighted the extensive engagement and consultation that had informed the draft APP and undertook to continue this level engagement with stakeholders.
- 8.3 An overview of the work undertaken on the APP was given by ACC Malcolm Graham (ACCMGraham). This included receiving feedback on the draft from the Policing Committee.
- 8.4 Members suggested the APP should include:

- an explanation of how the benefits would be measured and tracked.
- clear links (a) between the APP and the overall Policing 2026 Strategy/ Transformation Programme and (b) to local scrutiny taking account of differing community needs.
- evidence of what success would look like to communities and the workforce.
- informative mapping to show where the APP sits within the suite of existing documents, processes and plans.

8.5 In response to a question about affordability, DCC Livingstone confirmed that the 2018/19 budget had been built around the priorities in the Plan.

8.6 During discussion, the importance of the SPA's role in seeking views from stakeholders about delivery of the APP during the course of the year was emphasised and a process sought for doing that.

**8.6 The Board NOTED the Draft Annual Police Plan 2018/19 and AGREED the following actions.**

8.6.1 **27022018-SPABM-004: DCC Livingstone to ensure that due regard is given to the Board's comments in the final version of the plan.**

8.6.2 **27022018-SPABM-005: KHogg to consider how the SPA obtains views from stakeholders about delivery of the Annual Police Plan during the course of the year.**

## **9. BRITISH TRANSPORT POLICE (BTP) PROJECT PLAN**

9.1 The Board considered a short paper by Tom McMahon (TMcMahon) giving an update on the proposed BTP Integration. He reported on the Scottish Government Programme Board's conclusion that the April 2019 integration date should be reviewed, thus providing an opportunity to undertake comprehensive re-planning and due diligence. A revised timeline for the project would be brought forward to a future SPA Board Meeting.

9.2 Graham Houston (GHouston), as Chair of the SPA BTP Working Group, advised that the Group could not give the level of assurance required by the Board to support an April 2019 integration date and, as such, he welcomed the decision to review the timeline.

9.3 Given the significance of this programme, the Chair advised that BTP Integration should be a standing agenda item at future Board meetings, noting that it was important to augment rather than duplicate work being undertaken elsewhere. This approach would ensure the Board was fully sighted on the issue.

**9.4 The Board NOTED the British Transport Police (BTP) Project Plan update and AGREED the following action.**

**9.4.1 27022018-SPABM-006: BTP Integration to be added to Board agendas as a standing item, with discussion to take place between the Chair and GHouston on how to build on the work of the BTP Working Group.**

*The meeting was adjourned for a short break.*

## **10. POLICE SCOTLAND PERFORMANCE REPORTING**

### **10.1 Performance Report Quarter 3 2017/18**

10.1.1 The Board considered a report by DDCILivingstone and presentation by DCCRFitzpatrick on Police Scotland performance during Q3. DCCRFitzpatrick reminded the Board that the data in the report was Police Scotland management information at this stage rather than official statistics.

10.1.2 The Chair suggested that rather than open up for detailed discussion on this item, Members should contact DCCRFitzpatrick with any questions, allowing more time for discussion of the new performance framework.

### **10.1.3 The Board NOTED the Performance Report Quarter 3 2017/18.**

### **10.2 Police Scotland Performance Framework**

10.2.1 The Board considered reports by DCCILivingstone and Stephen Jones (SJones).

10.2.1 DCCILivingstone highlighted the collaborative approach taken to develop the framework which had included SPA officer engagement and provision of regular updates to the Policing Committee. The need to move to a more outcome-focused approach to performance reporting had been recognised.

10.2.2 SJones reminded the Board of the SPA's statutory duties in relation to monitoring policing performance and delivery against the Strategic Police Priorities, Strategic Police Plan and Annual Police Plan. He mentioned also the importance of seeing evidence of benefits realisation from the commitments within the Policing 2026 strategy.

10.2.3 ACCMGraham provided more detail about the structure of the Framework and, during discussion, Members asked that Police Scotland give consideration to the following points:

- providing a clearer indication of anticipated benefits.
- explaining how Police Scotland would monitor the benefits against what had been targeted to allow oversight of measureable benefits.
- providing evidence of how the Framework took account of sustainability of resources, both financial and people.
- describing how a change in circumstances would be measured and addressed given the dynamic nature of policing.
- showing a linkage to the Annual Police Plan and budgets within the diagram.
- including milestones so that progress can be tracked at a strategic level.

10.2.4 The Chair suggested that clarification and simplification of the performance diagram would be helpful, together with inclusion of a number of overarching indicators that the public could understand.

**10.2.5 The Board NOTED the draft Police Scotland Performance Framework and agreed the following action.**

- 10.2.5.1 27022018-SPABM-007: ACC Graham to ensure that Members' feedback and comments are considered when developing the final version of the Framework.**

**10.3 Financial Performance Report Quarter 3 2017/18**

- 10.3.1 The Board considered a report by James Gray (JGray), who provided a summary of the Quarter 3 Financial Performance, outlining the full year forecasts for the revenue, capital and reform budgets as set out in appendix A to the report. He advised that assurances were being sought within Police Scotland on projected expenditure against the full capital budget.
- 10.3.2 Elaine Wilkinson (EWilkinson) advised that the Finance Committee had raised a number of issues about the report, including:
- The commitment by Police Scotland to release c.200 staff through VR/VER in 2017/18 was unlikely to be met and it was anticipated only 40 staff would exit the organisation whose exit would be counted in the current financial year. This would have an impact on the budget for future years and the Committee had asked Police Scotland what was being done to address the lack of progress in this area.
  - The decision to buy out officer TOIL (time off in lieu) balances. The Committee had asked for further information in relation to the governance around that decision.
  - The work being done by Police Scotland leadership to improve confidence levels around capital and reform budgets as the Committee did not have confidence the expenditure would take place within the timescales set.
- 10.3.3 DCCILivingstone agreed that the VR/VER figures were not what had been expected. He believed that progress would be made in line with the 3 year implementation plan and confirmed that the leadership team recognised the financial challenges involved.
- 10.3.4 At the Chair's invitation, JGray summarised the work underway to develop the 2018/19 budget. He advised that close attention would be paid to the capital budget to give earlier indications of any areas requiring action. Additionally, enhanced individual budget holder accountability within Police Scotland would provide assurance to the Board that the budgets were being closely managed.
- 10.3.5 KHogg reminded Members that all budget holders had been asked to submit a certificate of assurance based on a statement of internal control, and Police Scotland had already issued a request to begin this process. He would shortly be writing to the budget holders to explain how the process formed part of the system of assurance that allowed him, as the Accountable Officer, to give assurance to the Principal Accountable Officer in Scottish Government, and ultimately to Parliament, that the budget was being monitored correctly and that value for money was being delivered.

10.3.6 In relation to the costs incurred by Police Scotland as a consequence of the terrorism threat level and the terrorist incidents in Manchester and London, DCCJGwynne confirmed that recovery would be effected for the assistance given to Greater Manchester Police and the Metropolitan Police. However, there would be no cost recovery for the work carried out by Police Scotland to address the change in threat level in Scotland, in line with current Home Office rules.

**10.3.7 The Board NOTED the Financial Performance Report Quarter 3 2017/18 and development of the 2018/19 Budget.**

*DCC Iain Livingstone, DCC Rose Fitzpatrick and DCC Johnny Gwynne withdrew from the meeting.*

**11. SCOTTISH POLICE AUTHORITY FORENSIC SERVICES PERFORMANCE REPORT QUARTER 3 2017/18**

11.1 The Board considered a report by Tom Nelson, Director of Forensic Services (TNelson), giving an overview of performance during Quarter 3. He advised that (a) performance had been strong although workload remained high across all business areas and (b) development of the Forensic Services 2026 Strategy continued in discussion with the Forensics Committee, Forensics Staff and key stakeholders and (c) the final draft of the strategy would be presented to a future Board meeting for approval.

11.2 Iain White (IWhyte) Chair of the Forensic Services Committee, reported that the Committee had reviewed the information provided in relation to the increasing backlog of cases in some business areas and had considered a number of business cases which seek to address these backlogs.

11.3 TNelson explained that changes in legislation had contributed to the backlog and, although there had been a slight delay with procurement, he anticipated progress in the near future which would address the backlog. He commented also on the Forensic Services crime scene to court model which enabled more collaborative working with experts to maximise forensic recovery from items.

11.4 The Board acknowledged the importance of Forensic Services to the wider Criminal Justice system and its recent contribution to securing convictions in Operation Escalade. Broader consideration would be given to recognising the unique nature of the forensic service provided in Scotland when the strategy is considered at a future meeting.

**11.5 The Board NOTED the Scottish Police Authority Forensic Services Performance Report Quarter 3 2017/18.**

**12. DEVELOPMENT OF 2018/19 BUDGET**

12.1 This item was discussed as part of item 10.3.

**13 COMMITTEE REPORTS**

**13.1 Audit Committee**

13.1.1 The Board **NOTED** the report by Committee Chair, DHume.

## 13.2 Complaints & Conduct Committee

13.2.1 The Board considered the report from Committee Chair, Matt Smith (MSmith) who advised that:

- the Committee had met regularly since being established by the Board in December, with support being provided by SPA legal advisers and staff;
- given the nature of the issues under consideration, much of the business would require to be conducted in private, with a summary given in public where possible;
- the Committee was addressing issues raised by the Police Investigations and Review Commissioner (PIRC) and was also reviewing the adequacy of the police conduct regulations;
- training sessions and a workshop had taken place with HMICS and Police Scotland Professional Standards with the aim of providing a robust Committee process.

13.2.2 The Board **NOTED** the report.

## 13.3 Finance Committee

The Board **NOTED** the report by Committee Chair, EWilkinson.

## 13.4 Forensic Services Committee

The Board **NOTED** the verbal update provided by the Committee Chair, IWhyte, under agenda item 11.

## 13.5 People Committee

The Board **NOTED** the report by Committee Chair, NMarchant.

## 13.6 Policing Committee

The Board **NOTED** the report by Robert Hayes (RHayes) who had presided at the meeting in the absence of a sitting chair.

Before moving to private business, the Chair intimated that an additional Board meeting was likely to be held in April. The date would be published on the website. In the meantime, the next scheduled meeting would take place on 29 March 2018.

*Meeting adjourned at 13:20 and resumed at 14.00.*

The following agenda items were taken in Private.

## 14. PREVENT DUTIES – ACTIVITY UPDATE

14.1 The Board considered a report by ACC Steve Johnson (ACCSJohnson) who provided a summary of the current threat assessment which remained at Severe.

14.2 **The Board noted the report.**

**15. STAFF PAY REWARD AND MODERNISATION – NEGOTIATING PARAMETERS**

15.1 The Board considered a report by Jude Helliker (JHelliker), who summarised the background to the issue and addressed the financial implications of the proposal.

15.2 The Board discussed the budget implications of the proposed approach and explored the assumptions underpinning it. DCCILivingstone assured the Board that this was a priority for Police Scotland and an important part of the overall Wellbeing agenda.

15.3 **The Board **APPROVED** progression of this item to the Scottish Government Remuneration Group and, following approval, to commence formal negotiations with Trades Unions.**

**16. STAFF PAY PROPOSAL**

16.1 The Board considered a report by JHelliker who summarised the pay proposal, including the development process.

16.2 **The Board **APPROVED** submission to the Scottish Government Remuneration Group of the proposal and, following their endorsement, to begin discussions with Trades Unions.**

**17. RISK MANAGEMENT REPORTING - QUARTER 3 2017/18**

**17.1 Police Scotland Risk Management Report**

17.1.1 The Board considered a report by Fiona Davidson (FDavidson), who provided an overview of the Police Scotland Organisational Risk Register highlighting the changes since the last report to the Board in November 2017.

17.1.2 The Chair noted the benefit of understanding Police Scotland's governance processes and proposed that further consideration be given to the information that needs to come to the Board and when.

17.1.3 **The Board NOTED the report**

**17.2 SPA Risk Management Report**

17.2.1 The Board considered a report by Graham Stickle who provided a summary of the key points therein, highlighting that a review of the SPA's risk management process was being carried out. Any recommendations from the review would be submitted to the Audit Committee.

17.2.2 **The Board NOTED the report.**

**18. CONTRACTS AND REPORTING**

- 18.1 Provision of Face to Face Interpreting, Translation and Transcription Services**
- 18.1.1 Following consideration of a report by the Head of Commercial Services, the Board **APPROVED** the award of a contract for the Provision of Face to Face Interpreting, Translation and Transcription Services
- 18.2 Conducted Energy Devices and Associated Equipment Contract**
- 18.2.1 Following consideration of a report by the Head of Commercial Services, the Board **APPROVED** utilising the Home Office National Framework for the Supply of Conducted Energy Devices (known as Tasers) and Associated Equipment.
- 19. ESTATES**
- 19.1 Collaborative Opportunity – PS / Scottish Courts & Tribunal Service (SCTS)**
- 19.1.1 The Board considered a report by the Head of Commercial Services which was presented by Brian Currie who provided an overview of progress since the proposal was considered by the Finance Committee on 7 February 2018.
- 19.1.2 **The Board **APPROVED**, in principle, submission of a report to the Scottish Government seeking approval to enter into a lease with the SCTS**

*The meeting was adjourned at 15.45 for a short break.*

Before resuming business, the Chair proposed a re-ordering of the agenda.

**21. POLICE SCOTLAND SENIOR OFFICER RECRUITMENT**

- 21.1 KHogg provided a verbal report on the work underway to progress the recruitment of a new Chief Constable.
- 21.2 The Chair invited Police Scotland senior leadership to share their views.
- 21.3 The Board thanked DCCILivingstone and his team for their continued work during recent challenging times.
- 21.4 The Board NOTED the update provided by the Interim Chief Officer**

*DCCs Fitzpatrick, Gwynne, Livingstone, DCO Page and Jude Helliker withdrew from the meeting at 17.00.*

**20. MINUTES AND ROLLING ACTION LOG**

- 20.1(a) The Board **NOTED** but did not formally approve the following minutes given the absence of key contributors and the passage of time.
- 20.1.1 Draft Minute of the Board meeting held on 31 October 2017
- 20.1.2 Draft Minute of the Board meeting held on 7 November 2017

- 20.1(b) The Board **APPROVED** the following minutes as an accurate record of proceedings.
- 20.1.3 Minute of the Board meeting held on 23 November 2017
  - 20.1.4 Minute of the Board meeting held on 28 November 2017
  - 20.1.5 Minute of the Board meeting held on 19 December 2017,
  - 20.1.6 Minute of the Board meeting held on 6 February 2018.
- 20.2 The Board **APPROVED** the action log relating to items previously considered in private from the meeting held on 19 December 2017.
- 22. EMPLOYMENT TRIBUNAL**
- 22.1 The Board considered a report by Robin Johnston (RJohnston), providing a summary of developments since the last update.
- 22.2 **The Board AGREED the approach set out in the report**

*The meeting ended at 17.50*