

<b>Meeting</b>	<b>SPA Board Meeting</b>
<b>Date</b>	<b>29 March 2018</b>
<b>Location</b>	<b>John McIntyre Conference Centre, Edinburgh</b>
<b>Title of Paper</b>	<b>Proposal to Establish a Succession Planning and Appointments Committee</b>
<b>Item No.</b>	<b>12.1</b>
<b>Reference Number</b>	<b>REP-B.10.20180329</b>
<b>Presented by</b>	<b>Kenneth Hogg</b>
<b>Recommendation to Members</b>	<b>For Approval</b>
<b>Appendix Attached</b>	<b>Yes – Draft Terms of Reference are appended to this report at Appendix 1</b>

#### **PURPOSE**

The purpose of this paper is to seek Board approval for the proposal to establish a Succession Planning and Appointments Committee.

## **1. BACKGROUND**

- 1.1 Paragraph 9 of schedule 1 to the Police and Fire Reform (Scotland) Act 2012 (the Act) empowers the Authority to establish committees for any purpose. The Authority's current committee structure is set out within the Governance Framework which was most recently updated on 19 December 2017 with the establishment of a Complaints and Conduct Committee.
- 1.2 The Authority is responsible for appointing officers (and equivalent level police staff) to the rank of Assistant Chief Constable and above within Police Scotland, and for appointing the SPA's chief officer. It also has responsibility for broader succession planning at non-executive and executive level in accordance with Scottish Government (SG) guidance.
- 1.3 The Authority is about to embark on an appointments process for a number of senior police officers, including the Chief Constable, and for its own chief officer. It is essential that these processes are designed to attract the best candidates and to do so in a way that inspires confidence in the outcome.
- 1.4 This activity is not currently remitted to a committee to consider. Given the need to make swift progress with the appointments process, in particular, it is suggested that a committee is established to lead the Board's work in this area and on succession planning more broadly, while preserving the Board's overarching decision making role.

## **2. SUCCESSION PLANNING AND APPOINTMENTS COMMITTEE**

- 2.1 A suggested terms of reference for the committee is attached as an appendix. Consistent with the Chair's leadership role on succession planning (as set out in SG guidance), it is proposed that she should chair the committee and sit along with up to two other members. To enable the committee to start its work at the earliest opportunity, it is also proposed that the Chair will have authority to appoint those members.

2.2 Included in the proposed committee remit is the requirement to advise on the optimum process and oversee arrangements for undertaking the Authority's appointments functions. This will not impact on the Board's decision making role in connection with recruitment and selection plans, as set out in the Governance Framework, which will remain unchanged.

### **3. LEGAL AND EQUALITIES IMPLICATIONS**

3.1 The Authority has statutory duties with regard to the appointment of senior police officers and is also bound by the Public Sector Equality Duty (PSED) set out in the Equality Act 2010 and supporting regulations. Regard will be had to these duties by the Committee in carrying out its remit, as will emerging legislation on gender balanced boards.

### **4. REPUTATIONAL IMPLICATIONS**

4.1 The Authority is about to undergo an appointments process for its third Chief Constable. Ensuring the right process is adopted to attract and evaluate the best candidates will be pivotal to inspiring trust and confidence in the outcome. This extends also to other senior vacancies. Establishing a bespoke committee to focus on this area and on developing a Board succession plan is considered to enhance transparency and provide clarity around the process as well as ensuring that decisions are underpinned by effective procedures and enhanced professional advice, consistent with the principles of good governance.

### **5. OTHER IMPLICATIONS**

5.1 There are no direct financial, personnel, social, community impact or environmental implications arising from this report.

**RECOMMENDATION**

The Board is requested to:

- (a) approve the proposal to establish a Succession Planning and Appointments Committee with the terms of reference appended to this report.
- (b) appoint the Chair of the Board as Chair of the Committee.
- (c) authorise the Chair, in consultation with the Interim Chief Officer, to appoint the members of the committee.

## **APPENDIX 1**

### **SUCCESSION PLANNING AND APPOINTMENTS COMMITTEE**

#### PURPOSE AND SCOPE

1. The purpose of the Succession Planning and Appointments Committee is to lead on meeting the Board's responsibilities for Board member succession planning and member development with a view to ensuring an effective, diverse Board; to advise and support the Board in the development and implementation of procedures to ensure the effective discharge of its responsibilities under s.7 of the Police and Fire Reform (Scotland) Act 2012 with regard to the appointment of senior police officers within Police Scotland; and to advise and support the Board with regard to appointment of the SPA's Chief Officer and senior Director level SPA and police staff.
  
2. Meetings will be used to:
  - (i) Consider succession planning for Board members, senior police and staff officers and senior executives within the SPA.
  
  - (ii) Keep under review the leadership needs of the Authority Executive and Police Scotland with a view to ensuring the continued ability of both organisations to respond to the challenges and opportunities facing them.
  
  - (iii) Review and evaluate the skills, knowledge, expertise and diversity of current Board members, and the requirements of future members, on an annual basis, and identify skills, diversity gaps and shortages in light of the Authority's long-term strategy.
  
  - (iv) Adhere to the Code of Practice for Ministerial Appointments and consult and seek advice as appropriate from the Office for Ethical Standards in Public Life in Scotland and the Scottish Government's Public Appointments Team.
  
  - (v) Review annually the time required from Board members to perform their duties.

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- (vi) Advise on the optimum process and oversee the arrangements for undertaking the Authority's function regarding appointment to the ranks of Chief Constable, Deputy Chief Constable and Assistant Chief Constable as set out in s.7 of the Police and Fire Reform (Scotland) Act 2012, providing assurance to the Board in relation to those arrangements.
- (vii) Advise on the optimum process and oversee the arrangements for appointing the Authority's Chief Officer and staff at senior Director level, providing assurance to the Board in relation to those arrangements.
- (viii) Monitor the succession planning process for members of the Authority's senior executive team.

### MEMBERSHIP AND ATTENDEES

3. The Chair of the Board will be the Chair of the Committee.
4. The Committee shall comprise the Chair and up to two 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. Any other Board Member may attend after consultation with the Committee Chair but will not form part of the Committee.
5. The (Interim) Chief Officer shall have a standing invitation to attend meetings. Where his/her own role is the subject of discussion and the Committee considers there may be a conflict of interest, (s)he may be asked to leave the meeting for that item. The Director of People and Development will act as advisor to the Committee. Other officers of the Authority and Police Scotland may be invited to attend for all or part of any meeting as and when appropriate for the purpose of providing such professional advice as the Committee may require. The Committee may also invite a member of the Scottish Government sponsor team or other relevant officer where this is deemed to add value to the Committee's work.
6. When considering the appointment of senior police officers, the Committee shall have full regard to The Police Service of Scotland Regulations 2013 and to any amendments thereto and

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determinations and guidance of the Scottish Ministers issued thereunder. The Chief Constable shall have a standing invitation to any meeting considering the appointment of a Deputy Chief Constable or an Assistant Chief Constable or any senior Director level police staff.

7. Representatives from external stakeholders or partner organisations may be invited to attend for consideration of specific agenda items/subject areas.
8. The Committee may seek external specialist advice on any matter within its remit where it considers it necessary to do so and may invite such advisors to attend meetings for that purpose.
9. All decisions made at Committee meetings must be made by members of the Authority.
10. MEETINGS
11. The procedures for the Committee meeting are as follows:
  - (i) The Committee will aim to hold 4 scheduled meetings per year, although the precise number of meetings will be dependent on the nature and extent of the Committee's business. The Committee will also convene on an ad hoc basis to deal efficiently and effectively with any appointments processes it may be undertaking.
  - (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

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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, and provided it will not impact adversely on any action being taken by the Committee or the matters under discussion, 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 prepared after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board.
  - (vii) SECRETARIAT
12. The Chief Officer will ensure that appropriate support is provided to the meeting by SPA officers through (a) a dedicated Secretariat comprising subject specialist and other committee expertise and (b) the provision of such external specialist advice as the Committee may reasonably require to assist in the discharge of its remit.
13. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

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