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| Meeting | SPA Board Meeting |
| Date | 2 May 2018 |
| Location | Stirling Court Hotel, Stirling |
| Title of Paper | Succession Planning and Appointments Committee – Delegated Authority |
| Presented by | Kenneth Hogg |
| Recommendation to Members | For Approval |
| Appendix Attached | Yes – Amended Terms of Reference |

PURPOSE

The purpose of this report is to delegate authority to the Succession Planning and Appointments Committee to decide on the planning process for senior officer appointments, including the establishment of selection and interview panels.

1. BACKGROUND

- 1.1 The Board established a Succession Planning and Appointments Committee at its meeting on 29 March 2018.
- 1.2 The Chair of the Board was appointed Chair of the Committee and authorised to appoint up to two members to it. In implementing that authorisation, David Crichton and Tom Halpin were appointed as Members of the Committee.
- 1.3 The Committee had its first meeting on 20 April 2018. It dealt with arrangements for the current ACC and DCC recruitment campaign and forthcoming recruitment exercises for the post of Chief Constable and the SPA Chief Officer.
- 1.4 The Board's Governance Framework reserves decision making on "Recruitment and Selection Plans for Chief Constable" and "Recruitment and Selection Plans for ACC, DCC and Senior Director level" to the Board. To ensure there is no impediment to making the necessary quick progress with current business and to avoid any dubiety, it is recommended that the Board explicitly delegates decision making on the planning process to the Committee. This would include authority to establish such selection and interview panels as may be required. Final decisions on appointments would continue to rest with the Board.

2. TERMS OF REFERENCE

- 2.1 To reflect the proposal in this report, the Committee's Terms of Reference are attached as an appendix hereto with amendments shown at items 2(vi) and (vii), replacing the words "advise on" with

“determine” and “oversee” with “implement” while emphasising that “The final decision on appointment will rest with the Board”.

- 2.2 Consequentially, it is also proposed that, under the “Matters Reserved to the Board” section of the Governance Framework, the following amendments are made:

| Current wording: | Amended to: |
|--|--|
| Recruitment and Selection Plans for Chief Constable | Appointment of the Chief Constable |
| Recruitment and Selection Plans for ACC, DCC and Senior Director level | Appointment of Deputy Chief Constables, Assistant Chief Constables and Senior Director level staff |

- 2.3 The former decision is subject to approval by the Scottish Ministers while the latter rests solely with the Board, subject to consultation with the Chief Constable, as appropriate.

3. LEGAL AND EQUALITIES IMPLICATIONS

- 3.1 Section 7 of the Police and Fire Reform (Scotland) Act 2012 sets out the Authority’s duty to make senior police officer appointments while paragraph 9 of schedule 1 to the Act authorises the Authority to establish committees for any purpose and paragraph 12 authorises the delegation to committees of such functions as the Authority may determine.
- 3.2 As set out in my previous report to the Board on 29 March 2018, the Committee will have regard to the equality duty in carrying out its remit.

4. OTHER IMPLICATIONS

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

RECOMMENDATION

The Board is requested to:

- (a) amend the Terms of Reference for the Succession Planning and Appointments Committee as set out in the appendix hereto.
- (b) amend the reservations to the Board as set out in paragraph 2.2 of this report.

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) ~~Determine Advise on~~ the optimum process and ~~implement 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. The final decision on appointment will rest with the Board.
- (vii) ~~Determine Advise on~~ the optimum process and ~~implement 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. The final decision on appointment will rest with the Board.
- (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.

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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 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

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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, 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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