

<b>Meeting</b>	<b>SPA Board Meeting</b>
<b>Date and Time</b>	<b>31 May 2018</b>
<b>Location</b>	<b>COSLA, Verity House, Haymarket Yards, Edinburgh, EH12 5BH</b>
<b>Title of Paper</b>	<b>SPA Reporting: SPA Chair's Report</b>
<b>Reference Number</b>	<b>B05.2018/07</b>
<b>Presented By</b>	<b>Susan Deacon</b>
<b>Recommendation to Members</b>	<b>For Noting</b>
<b>Appendix Attached:</b>	<b>No</b>

**PURPOSE**

To update Authority Members on activities carried out by the Chair and to offer comment on significant areas of development since the previous Board meeting on 2 May 2018.

## 1. Senior Leadership Recruitment

- 1.1 I am pleased to report that the recruitment processes for Deputy Chief Constables and Assistant Chief Constables are well underway. Selection Panels are now in place comprising myself as SPA Chair; DCC Iain Livingstone, Interim Chief Constable; Angela Scott, Chief Executive, Aberdeen City Council; David Hume, SPA Board Member (DCC Panel) and Matt Smith, SPA Board Member (ACC Panel). Gill Imery, Her Majesty's Chief Inspector, is an adviser to the Panels and will observe discussions.
- 1.2 The assessment and interview process is progressing and these appointments will be announced by the end of June.
- 1.3 The recruitment process for the next Chief Constable will be launched on Tuesday 29 May. A recruitment pack has been produced which sets out the appointment process and selection panel together with the key requirements for this vital leadership role. The position will be widely advertised and promoted across the UK including in national newspapers, policing journals and appropriate digital platforms.
- 1.4 The deadline for applications for this post is Monday 25 June with shortlisting, assessment and interviews taking place in July and August.
- 1.5 Members will be aware that Kenneth Hogg's secondment as SPA Interim Chief Officer ends in November 2018. We are currently finalising the recruitment pack and appointment process for the recruitment of a new Chief Executive for the SPA and will launch the recruitment process shortly.
- 1.6 The Succession Planning and Appointments Committee has played a crucial role over the last month in ensuring that there is robust governance and oversight of each of these senior recruitment processes, associated external assessments and support, and appropriate professional advice underpinning them. I am confident that this new approach has strengthened focus and assurance of this important and demanding programme of recruitment and am grateful to those who are contributing to this work.

## 2. External Engagement

- 2.1 Staff Associations and Trade Unions - On 16 May, Vice-Chair David Crichton, Interim Chief Officer, Kenneth Hogg and myself met again with representatives of the Staff Associations and Trade Unions to discuss a number of issues including senior officer recruitment and

SPA governance and improvement. I am keen to build further on this type of engagement not least as it is also an opportunity to hear at first hand a range of views and concerns.

- 2.2 Visit to Aberdeen - I undertook my first visit to the North East as Chair of the SPA to meet with Chief Superintendent Campbell Thomson and his divisional command team, as well as a range of local police officers and staff. I also met with representatives of Aberdeenshire Council Police Scrutiny Convener, Councillor Anne Stirling and Vice-Convener Councillor Iris Walker; and with representatives of Aberdeen City Council including Angela Scott, Chief Executive; Co-Leaders Councillor Jenny Laing and Councillor Douglas Lumsden; and Councillors Jennifer Stewart and Yvonne Allan. I was very impressed and encouraged by the progress being made to develop effective collaborative working to deliver improved services to the people and communities of the North East.
- 2.3 ASPS (Association of Scottish Police Superintendents) Conference – On 30<sup>th</sup> May I will be speaking at the ASPS Conference 'Valuing Super Leadership' to be held at the Scottish Police college at Tulliallan.

### **3. Police Reform**

- 3.1 Five years on from the creation of Police Scotland, I have been keen to ensure that the SPA works to build a shared understanding of both the benefits and challenges of police reform to date and to encourage a more informed and measured debate about policing going forward. In this regard, I welcome the work which Police Scotland has done to develop an overview of policing in the last five years, much of which is contained in the paper to be considered by the Board.
- 3.2 I welcome also the current review being conducted by the Justice Committee of the Scottish Parliament into the Police and Fire Reform (Scotland) Act 2012 to which the SPA and Police Scotland were invited to submit evidence by the 24 May 2018. This is an important discussion and it is important that the SPA plays an active part in contributing to this debate and informing the Committee's deliberations. We have therefore given careful consideration to this matter and, as a first step, have submitted the attached evidence to the review (Annex A).

## ANNEX A

### Justice Committee Post-legislative Scrutiny on the Police and Fire Reform (Scotland) Act 2012

#### Written Submission from Scottish Police Authority (SPA)

SPA welcomes the opportunity to contribute to Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012 (the Act), five years on from the creation of the SPA, Police Scotland and the other institutions established by the 2012 reforms.

At this point in time, the SPA is simultaneously reflecting on its own operations in light of experience during these early years. A rapid programme of improvement is underway to enable the SPA to fulfil more effectively the range of functions given it to it by the Act and to fully meet the ambitions and potential for policing in Scotland envisaged five years ago.

In noting the remit for the Committee's post legislative scrutiny, SPA firmly believes that the people of Scotland have a police service in which they can take pride, delivered by a workforce which meets high standards of professionalism and dedication to public service. The challenge now is to build on these solid foundations while adapting the police service to meet the needs of a changing Scotland.

While the pace and scale of police reform has been demanding and not without challenge, the SPA believes that the Act, and the structures it created, are fundamentally sound and have delivered significant progress towards the policy intent of the legislation. These arrangements, and still 'young' organisations, are now bedding in and the process of change and development is at a critical juncture.

Therefore, the SPA would strongly caution against legislative change to the Act at this time and believes that the focus should be on delivering further improvement within the existing legislative framework.

#### **Have the policy intentions of the Police and Fire (Scotland) Act 2012 been realised and delivered?**

While the Committee's call for evidence rightly highlights the three core policy intentions that underpinned reform, the Act also established a distinctive new and different purpose for Police Scotland in the 'Policing Principles':

"the main purpose of policing is to improve the safety and wellbeing of persons, localities and communities in Scotland" and to "work in collaboration with others... in a way which is accessible to, and engaged with, local communities, and promotes measures to prevent crime, harm and disorder."

Since the Act came into force, very significant progress has been made towards realising **both** these policy intentions and the new purpose for policing in

Scotland. The SPA and Police Scotland have faced challenges in the last five years but a large amount of very positive progress has been made, particularly in areas where progress had previously proven more difficult to deliver in the former policing structures which existed between 1975 and April 2013.

The latest evaluation report on the effectiveness of these reforms was published on 18 May 2018 by the Scottish Institute for Police Research (SIPR), ScotCen Social Research and What Works Scotland. That report offers useful and independent insight into the extent to which the intentions underpinning the Act have been delivered, as well as identifying areas for further work and improvement. The findings of this report, along with reports from Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) and others, are consistent with the SPA's own annual reviews of policing which have identified significant progress in the last five years.

These include, for example:

- every area of Scotland is now equally served and protected by the same very high level of specialist policing in serious crime investigations, organised crime and counter-terrorism;
- frontline policing resources have been prioritised while financial savings have been delivered by reducing duplication of support services in the 9 organisations which Police Scotland replaced. A programme of work is underway to fully realise the potential of the new structure and so deliver further productivity gains and efficiencies;
- every local authority decides for itself how to scrutinise local policing and, with its community planning partners, decides how to integrate policing within its Local Outcome Improvement Plan. Significantly more local elected members now engage in the development and delivery of local policing, and Police Scotland is developing a range of different approaches to local policing across the country in recognition that 'one size does not fit all';
- greater partnership working and collaboration is evident at both a national and local level, and both the culture and structures are being developed to ensure that Police Scotland and other public services work together more effectively, including a renewed focus on prevention;
- the reforms delivered under the Act enabled a 10 year strategy for policing in Scotland to be produced: 'Policing 2026 – Serving a Changing Scotland'. For the first time that strategy, which was informed by extensive evidence gathering and public consultation, sets a future direction for the transformation of policing in Scotland in line with the contemporary demands, challenges and opportunities it faces, such as supporting vulnerable people and responding to cyber related crimes;
- since the approval of the Strategy in June 2017, a substantial programme of work has been developed to deliver the strategy, including a 3-year Policing 2026 Implementation Plan which was approved by the SPA in May 2018.

This 5 year milestone therefore represents a point of transition, from building on the initial work to create a single service into the next phase of increasing the pace of change to meet future challenges in a rapidly changing society. The

priority now is to provide stability and support to enable policing to deliver the necessary changes at the increasing pace required.

The SPA believes that the fundamental elements of the **primary** legislation are sound and remain the right ones to enable the delivery of the original intentions and aspirations agreed by Parliament five years ago.

### **Are further policy or legislative changes required to improve the effectiveness of the Police and Fire Reform (Scotland) Act 2012?**

One of the SPA's main statutory functions is to "maintain policing in Scotland" and our focus is therefore on building strength, stability and confidence in our police service. The SPA would therefore be concerned that uncertainty and disruption caused by opening up the Act at this time would be destabilising and could create risk within operational policing in Scotland. The SPA believes that it is neither necessary nor desirable to make changes to the Act at this time.

However, the SPA is of the view that there **is** a need to review the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 which were introduced as **secondary** legislation following the passage of the 2012 Act. The SPA is concerned about how these Regulations have operated in practice, not least in relation to the handling of complaints about senior officers. In particular, we are concerned that the substance, interpretation and application of the current arrangements provide insufficient confidentiality for those who make complaints and for those about whom complaints are made; a lack of clarity in legislation as to whether an allegation is to be treated as a "misconduct allegation" (as defined in the Regulations) or a "relevant complaint" (as defined in the Police Public Order and Criminal Justice (Scotland) Act 2006); and a lack of clarity in the Regulations as to the extent of enquiries which the SPA is permitted to conduct into an allegation before deciding whether to refer it to the PIRC. Other than establishing the relevant bodies (SPA and the PIRC) the complaints handling procedures are governed largely by these Regulations and other relevant legislation rather than by the Act itself.

Over recent months the SPA has taken steps to strengthen and develop its own complaints handling procedures and has engaged in development and review work with other key parties with an interest in this matter. The SPA will continue to work to drive forward improvement within the current Regulations. However, our view is that the Regulations themselves are in need of review.

The SPA is open minded about where specific organisational responsibilities should best lie in the future. There are a number of other organisations with a role and interest in this area whose views and experiences should be sought; the PIRC, the Crown Office, HMICS, Police Scotland and the Scottish Chief Police Officers Staff Association. However the key point is that the operation of the current system has on occasions not well supported the SPA's functions under the Act to "maintain the Police Service, to promote the policing principles set out in Section 32, [and] to promote and support continuous improvement in the policing of Scotland."

### **SPA Improvement**

The SPA recognises the need for rapid improvement in its own ways of working in order to deliver more effectively the functions it has been given by the Act. The SPA's operations and practices have evolved over the 5 years, and have accumulated a significant number of recommendations for improvement from the Scottish Parliament, Audit Scotland, HMICS and other organisations.

Independent reviews and academic research have also highlighted the need for the SPA to develop the ways in which it holds Police Scotland to account and its effective governance of transformation. In doing so the SPA requires to more effectively position itself in the 'space' between politicians and the police.

A new Chair and Interim Chief Officer were appointed in late 2017 and, in accordance with the stated views and expectations of Ministers, Parliament and other stakeholders, are taking forward a wide-ranging programme of organisational change and improvement.

The SPA Board has been refreshed and strengthened through the appointment of a number of new members who bring with them a range of experience in governance and in the strategic development and oversight of complex organisations. A range of Board development work is underway to ensure that the Board becomes more strategic, more 'non-executive' and has a strong and demonstrable public service ethos across all its work. This includes reviewing the structure and practices of the SPA's Board and Committees.

Alongside this, the SPA executive team is also being strengthened and developed to ensure that the skills and capacity are in place to deliver effectively on the organisation's wide-ranging statutory functions which include: the SPA Chief Officer's responsibilities as Accountable Officer for all police finance and expenditure; as the legal employer of police staff; dealing with senior officer complaints; providing forensic services; and ensuring the provision of an independent custody visiting scheme.

Some key elements of the improvements under way are summarised in the SPA's Improvement Plan for 2018/19 which was approved by the SPA Board on 2 May 2018.

#### SPA Board and Committees

- holding single Board meetings, livestreamed and open to the public, with any specific items of business taken in private only where necessary – thus improving transparency by ending the previous distinction between 'public' and 'closed' SPA meetings;
- Improving professionally-informed decision making through Committees with delegated decision-making powers, including re-establishing the Complaints & Conduct Committee.

SPA governance, policies and procedures

- Implementing a comprehensive programme to improve governance of spending decisions and to increase assurance about value for money delivered, in line with multiple recommendations from Audit Scotland;
- Reviewing all relevant SPA governance documentation;
- Rapid improvements in data handling in response to recommendations from the Information Commissioner and to enable compliance with the new General Data Protection Regulations.

#### Strengthening SPA's external engagement and relationships

- Working more collaboratively and in a more outward-looking way across the range of SPA's business activity and increasing the level of engagement between the SPA and partners;
- Working jointly with CoSLA, SOLACE and Police Scotland to strengthen relationships between national and local scrutiny of policing to develop a shared evidence base to support improvement.

#### Building the SPA executive team's capacity and capability

- Implementing a fit for purpose staffing structure with enough of the right skills to deliver effectively SPA's core functions, reflecting on the SPA Executive Review published in March 2018. SPA currently has 39 staff - significantly fewer than its establishment level;
- Working collaboratively with other organisations, including HMICS to improve SPA's corporate governance;
- Ensuring an appropriate level of professional executive support to the Board and Committees including in the provision of expert advice for Members.

The SPA's focus in the coming period should be on delivering this improvement in culture, systems, practice and behaviour and to act on the learning of the past five years. This can be achieved by the SPA at its own hand and without the need for legislative change, and indeed the latter could potentially set back the progress which is now underway.

Finally, the SPA has a statutory responsibility to provide forensic services to Police Scotland, the PIRC and to the Crown, and has developed an integrated and world-leading crime scene to court forensic science. Although forensic services work very closely with policing, the governance and direction of that service, from the SPA, was deliberately kept separate by the Act from operational policing. The reasons for doing so were to ensure an appropriate balance between scientific integrity and investigative effectiveness, as a cornerstone of the Scottish criminal justice system. The SPA's view is that this balance should continue to be struck with the current level of separation.