

Meeting	SPA Board Meeting
Date	26 June 2019
Location	Pollock Halls, Edinburgh
Title of Paper	SPA Chair's Report
Presented By	Susan Deacon
Recommendation to Members	For Discussion and Approval
Appendix Attached:	No

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 22 May 2019.

Our Leadership Challenge

When I first took up the position of SPA Chair many people commented on the scale of the challenge. They were not wrong. But then leadership is never easy. Indeed, neither is policing. The risks and challenges faced by our police officers and staff every day are of a different order to those which most of us will ever face.

I know I speak for each and every member of the SPA Board in saying that we are driven by a passion and determination to play our part in ensuring that the people of Scotland get the best possible police service and that it is one in which they can have confidence and trust.

Given the situation I inherited back in late 2017, it is heartening that there is now strong and stable leadership within Police Scotland and the SPA Board, as well as better governance and decision making and a more open and transparent way of working. These changes did not happen by accident but through clear thinking and diagnostics, sustained and considered effort and carefully planned actions and interventions.

As the SPA Board continues on its leadership journey, within an ever changing landscape, this same clarity of thinking and purpose must be applied to the next set of challenges we face. As I have often said, there is much still to be done to develop and improve the post-police reform system in Scotland. In particular, we need to ensure that the Scottish Police Authority itself operates effectively and as the Act intended. This has not yet been achieved.

The reasons for this are complex, with the roots of many issues going back to the early years of police reform and even before. To explore this in full would require several volumes so I will instead summarise the background and context to where we are now in as open and honest a way as I can:-

- The Scottish Police Authority is one of Scotland's most significant public bodies with responsibility and oversight for one of the nation's biggest and most important public services – the second largest police service in the UK. The Police and Fire Reform (Scotland) Act 2012 ushered in the most radical public sector reform since devolution and the creation of a single police service has, by any objective measure, delivered real and tangible benefits for the people of Scotland.
- Our new policing landscape is just six years old and is still adapting, learning and developing. The SPA and Police Scotland are still very young organisations. By common consent, the implementation of the new arrangements was completed within a very challenging, and unrealistic, timescale and so it has taken, and will take, many

OFFICIAL

years to build, and to essentially 'retrofit' many aspects of that new policing system.

- The statutory responsibilities and accountability of the SPA is greater than, and distinct from, other public bodies yet the organisation was never designed or built properly to reflect this.
- The SPA requires a high degree of autonomy and capability if it is to function effectively, but it is still operating within an environment where the boundaries between different organisations and institutions are blurred. There is not a shared understanding of respective roles and relationships and resources and functions often do not sit where they should.
- The creation of a national policing system has led to significant media and political attention with the SPA itself attracting considerable criticism. While some of the negativity and hostility towards the SPA has subsided, there continues to be a tendency towards this which has proved hard to shift.
- The SPA was created to ensure a clear separation between Ministers and policing and between politics and policing more generally, a separation which has, to date, not been achieved. Getting the SPA to 'step up and step in' to this space, and in turn others to 'step out and step back' remains an uphill struggle.
- Early decisions around the design of the SPA and the allocation of functions between the police service and the SPA have left a number of systemic weaknesses in the core capacity and capability of the SPA.
- The role and responsibilities of the SPA are not well understood and, in part as a consequence of this, the expectations of the Authority often far surpass its capacity and capability, or even its powers.

Working together with Board colleagues and senior staff, and in discussions with Police Scotland, Scottish Government and others, I have increasingly focused on the need to go 'back to first principles' – i.e. the 2012 Act and associated guidance etc - and to build a shared understanding of what the functions, priorities and *modus operandus* of the SPA should be.

In my opinion, when you take a system wide approach, it becomes relatively clear what the organisational structure and culture within the

OFFICIAL

SPA should be and indeed what the respective roles and relationships within the wider policing system could and should look like. Bridging and migrating towards that system is challenging and needs leadership at many levels and a shared willingness to embrace change.

It is difficult to overstate the weaknesses and fragilities which I and colleagues have inherited in terms of the SPA's systems, culture and practice, or the extent of legacy issues and challenges which prevail. Similarly many of the behaviours, interactions and relationships which set in during the early years of police reform, including with Government, the Parliament and others, do not align with the intent of the Act and have become hard wired.

The challenges of trying to reset these behaviours and to design and migrate to an SPA which reflects the stated intention and substance of the Act essentially requires an organisational turnaround. To achieve this while trying to also maintain current business, under the watchful eye of a multiplicity of regulators and commentators, is challenging and in my opinion 'the jury is still out' as to whether it is achievable.

The improvements which were delivered during 2018 won some limited space to enable the SPA Board to take forward both organisational and system wide change. As with any process of change, however, there has been and will be resistance, challenges and obstructions. I do not doubt the commitment of either myself or the other 12 SPA members to driving the necessary improvement and know that we will be guided at all times by a strong public service ethos. As committed public service leaders, however, it is incumbent upon us to make a clear and open assessment of the 'art of the possible.'

The fact is that:-

- despite efforts by SPA Members and staff, the SPA continues to be a very weak and poorly performing organisation;
- as a Board, we have a clear accountability to create a strong and well performing organisation but, as with any group of part-time non-executive members, are limited in the actions and interventions we can take;
- there are a number of extremely challenging legacy issues, including complex legal and personnel matters, not to mention prevailing practices and culture, which we are still working through – both in relation to policing and within the SPA itself;
- we operate within a wider environment which is highly risk averse and where the avoidance of challenge and controversy is often

OFFICIAL

preferred to addressing the inevitable challenges which come with the management and delivery of change.

- as with other parts of the public sector, the rules, regulations and processes with which we must comply are wide ranging, and often onerous, and can militate against our ability to take forward organisational improvement and change;
- the SPA is subject to considerable external scrutiny which, given its history, takes place within a particularly sensitised environment and against a backdrop of a very low threshold for critical press and media comment thus creating challenging conditions within which to drive change and improvement;
- the work of our regulators is vital and provides valuable drivers for change but the demands of audit and inspection in themselves create pressures on the organisation and its staff and often serve to refocus attention on the very weaknesses which the Board has identified and are attempting to address;
- the Scottish Government and the Scottish Parliament continue to be very involved in many aspects of policing therefore rendering the notion of a separation from Ministers/politics and policing an aspiration rather than a reality.
- the collaborative approach between Police Scotland and the SPA, as set out in the Act, has merit but this needs to be coupled with a clear separation in a number of areas which does not currently exist.

In our evidence to the Scottish Parliament's Justice Committee the SPA, and in my oral evidence as Chair, we have consistently stated it is possible to make the statutory framework work as intended and to build a strong and effective SPA. The question is whether the space and support to enable the Board to achieve this can be achieved. This remains a moot point.

SPA Organisational Development

In my last Chair's report, I set out the next steps the Board is taking to drive further improvement and change within the SPA; address some of the wider changes to systems and practices identified above; and to redesign and develop the structure, culture and practices of the SPA so that it aligns with our statutory functions and is fit for the future.

OFFICIAL

I can now update on progress in each of the areas previously identified:

The **Governance Review and Development Group** is now established and has met three times, making early progress on considering how to develop and discharge the Accountable Officer function; put in place strengthened arrangements for the oversight of legal claims and related matters (a proposal is presented to the Board later in the agenda) and has developed a project plan and timelines to drive rapid further improvement in the governance of the SPA and wider policing system. The next meeting will focus on how to effectively discharge the employer functions of a workforce of more than 22,000 police officers and staff, including how HR support and HR governance functions are provided.

The **Strategic Co-ordination Unit**, led by ACC Steve Johnson and CS Conrad Trickett, is now operational and a remit for the Unit is being developed and will be published. The role of the SCU will be to provide effective coordination between the SPA and Police Scotland and, where necessary, the Scottish Government, to ensure that issues of key strategic import for the discharge of effective and efficient policing, or those issues which will/are likely to impact on public confidence in policing are addressed transparently and expeditiously.

Work is being taken forward to enhance **collaborative working** with both the Scottish Government and other partners and stakeholders to enhance the capability and performance of the SPA and to build and capacity and share resource.

Meetings with a number of external providers have taken place to bring in professional support to improve the SPA's capacity to develop **communications, engagement and relationships**, including a scaling up of stakeholder engagement which builds on the work done to date by the Board. We intend to move to procure this support over the summer.

As previously reported, the Board has recognised the need for additional **organisational development and design support** to provide the capacity and capability to take forward significant change within the organisation and to do so in a way that ensures effective **staff and stakeholder involvement**. Options for the procurement of such support are being developed which, again, we intend to put in place over the summer.

Independent Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing

Finally, I note the recent publication of Dame Elish Angiolini's Interim Report on the Independent Review of Complaints Handling, Investigations

OFFICIAL

and Misconduct Issues in relation to Policing. The need for a root and branch review of police complaints and conduct procedures was identified as a priority by the SPA some 18 months ago and this work represents a major opportunity for system-wide improvement. Dame Elish's focus on the need for clarity, simplification, impendence and better joint working between the various agencies will go a long way to building and maintaining public confidence in policing. The SPA Board will now consider the interim report further and will continue to support and contribute to this ongoing process of change and improvement.

RECOMMENDATIONS

Members are requested to:

- Discuss and note the information contained within it.