

## SCOTTISH POLICE AUTHORITY - REVIEW OF POLICE GOVERNANCE

### BACKGROUND

1. The Cabinet Secretary for Justice has asked the Chair of the Scottish Police Authority to undertake an immediate review of governance in policing, and for this to be reported in March 2016. The terms of reference for that review were indicated in the 'Programme for Government' laid before Parliament on 03 September 2015.
2. The creation of a single Police Force for Scotland was the biggest public sector reform initiative in a generation. The review will ensure that accountability arrangements for policing can build on the lessons learned during the operation of the single force to date and ensure robust arrangements are in place for the future. It will also clarify the respective roles and responsibilities of all bodies named within the Police and Fire Reform (Scotland) Act 2012.

### REMIT FOR THE REVIEW

3. The remit for the review was set out by the Cabinet Secretary for Justice in a statement to the Scottish Parliament on 3 September 2015. Broadly speaking these include four work streams:

#### **Work stream 1: Localism and Community Accountability**

4. Ensure that local interests are effectively represented in national scrutiny processes; that decision making on national priorities, policies and programmes takes account of local needs; and that there is appropriate discretion and flexibility within national policies to reflect local circumstances. Recommendations should take account of the outcome of the local scrutiny summit on 23 September 2015.

#### **Work stream 2: SPA Structures and Skills**

5. Ensure that the Scottish Police Authority has the appropriate structures and skills to undertake effective scrutiny. In so doing identify any skills gaps and development requirements and consider any external expertise that needs to be brought to bear to support scrutiny of major change programmes.

#### **Work stream 3: Information Requirements and Processes**

6. Review the information flows and communication between Police Scotland the SPA to ensure the authority has all of the material and data required timeously to fulfil its scrutiny function; and the information made available to HMICS, the Scottish Government and the Scottish Parliament to fulfil their respective roles.

#### **Work stream 4: Wider Stakeholder Engagement Requirements**

7. Review the way the Authority works with other stakeholders to ensure its approach is rooted in partnership and contributes effectively to wider policy objectives across the public sector. Propose measures to strengthen communication with partners and communities about the work of the Authority and policing more generally.

## THE REFERENCE GROUP

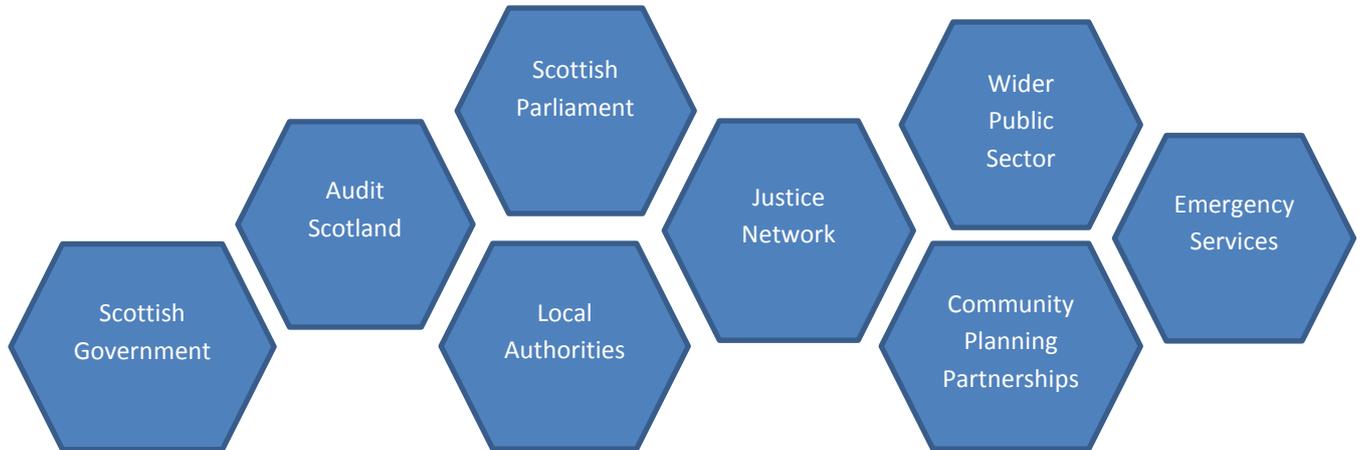
8. The Chair of the Authority will have a Reference Group to bring together a wide range of thinking and practices from across the public sector landscape. The purpose of the group is to advise and assist the Chair of the Authority to deliver a final report which meets the review's remit and which is reflective of those wide ranges of views, experiences and expertise within Scotland.
9. Remit of the Reference Group is to:
  - a) Provide advice and guidance in the delivery of the review of police governance;
  - b) Review and agree the scope of the review;
  - c) Review the expected outcomes;
  - d) Review the proposed methodology for undertaking the review
  - e) Review and agree the recommendations contained within the final report to the Cabinet Secretary.
10. Potential bodies to be represented on the Reference Group include a Local Authority elected councillor and chief executive, the Association of Chief Officers of Scottish Voluntary Organisations, the Law Society of Scotland, the Institute of Chartered Accountants in Scotland and the Scottish Institute for Policing Research.
11. The Reference Group will also include two other Authority Board Members. It is not intended to include Police Scotland within the Reference Group. There should however be open dialogue between the Chair of the Authority and the Chief Constable (Police Scotland). The Chief Constable may also be asked to provide information to inform the review.
12. The reference group will be supported by a SPA project team assigned to this work. The remit of the project team is to:
  - a) Undertake work directed by the agreed scope of this review;
  - b) Prepare necessary documents for consideration by the Reference Group, in a timely manner;
  - c) Deliver on the project plan;
  - d) Ensure engagement with all relevant stakeholders is undertaken in full and transparent manner, in order to produce robust outcomes, to ensure all evidence is collated to support final recommendations within the constraints of the timescales involved.

**POLICING GOVERNANCE LANDSCAPE**

13. A preliminary piece of work is being undertaken to map and analyse those organisations associated with police governance in Scotland, their roles, responsibilities and boundaries. The focus is on those bodies explicitly referenced within the Police, Fire and Reform (Scotland) Act 2012 outlined below.

Scottish Police Authority	Police Scotland
<ul style="list-style-type: none"> <li>• <b>Oversight and governance body</b> for policing in Scotland – ensuring that Police Scotland delivers a policing service.</li> <li>• Providing challenge to ensure that policing in Scotland continually evolves and improves.</li> <li>• Holding the Chief Constable to account for overall performance of policing.</li> <li>• Responsible for overall policing budget.</li> <li>• Preparing the Strategic Police Plan.</li> <li>• Appointing Senior Police Officers.</li>   <li>• Part of tri-party staff-side for Police Negotiation Board.</li> </ul> <p>Although outwith the remit of this review, the Authority has obligations as an Employer and is also a Delivery Body for:</p> <ul style="list-style-type: none"> <li>○ Forensics Services.</li> <li>○ Complaints Handling Against Senior Officers.</li> <li>○ Independent Custody Visiting.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Delivery body</b> for policing in Scotland – ensuring that Police Scotland delivers a policing service.</li>   <li>• The Chief Constable’s responsibilities are: <ul style="list-style-type: none"> <li>○ Accountable to SPA</li> <li>○ The direction and control of the Police Service</li> <li>○ Responsible for day to day administration of the Police Service</li> <li>○ Be involved with preparation of the Strategic Police Plan and SPA Annual Report</li> <li>○ Prepare annual police plans</li> <li>○ Seek continuous improvement in policing</li> <li>○ Ensure adequate arrangements are in place for policing each local authority area</li> </ul> </li>   <li>• The Chief Constable must ensure that policing is done with due regard to recommendations or guidance from SPA. Part of tri-party staff-side for Police Negotiation Board.</li> </ul>
HMICS	PIRC
<ul style="list-style-type: none"> <li>• <b>Inspection body</b> for policing in Scotland.</li> <li>• Made up of range of policing / inspection professionals who use professional judgement through carrying out inspections to assess “<i>the state, efficiency and effectiveness of the Authority and the Police Service</i>”</li> <li>• Makes recommendations for improvement action.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Investigative body</b> for policing in Scotland.</li> <li>• Responsible for conducting investigations <ul style="list-style-type: none"> <li>○ as directed by Crown (Deaths involving police contact, allegations of criminality of officers etc)</li> <li>○ as directed by SPA (Misconduct cases against Senior Officers / serious incident referrals).</li> <li>○ as directed by Police Scotland (serious incident referrals).</li> </ul> </li> <li>• Responsible for reviewing and overseeing the manner in which both Police Scotland and SPA handle complaints about themselves.</li> </ul>

14. This analysis will also recognise other key stakeholders who contribute to the policing governance landscape including:



15. This work will be provided to the Reference Group to assist inform their discussions at their first meeting.