



<b>Meeting</b>	<b>Authority Meeting</b>
<b>Date</b>	<b>22 May 2025</b>
<b>Location</b>	<b>Clayton Hotel, Glasgow</b>
<b>Title of Paper</b>	<b>Chair's Report</b>
<b>Presented By</b>	<b>Fiona McQueen CBE</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Yes</b> <b>Appendix A – Approved Appointment to Committee/Groups</b> <b>Appendix B - Memorandum of Understanding</b>

### **Purpose**

To update Authority Members on activities carried out by the Chair since the last meeting held on 27 March 2025.

## 1. Appointment of Vice Chair

- 1.1 My appointment as Chair of the Authority took formal effect on 7 April 2025. Since then I have spent time speaking with Members and I am grateful that Alasdair Hay agreed to take on the role of Vice Chair. This is a critical position, supporting myself as Chair and the Board to drive progress against the Strategic Police Plan and ensure the effective support and governance of policing. This appointment was approved by Members on 24 April 2025 and took immediate effect.

## 2. Membership of committees

- 2.1 In addition to the appointment of Alasdair Hay as Vice Chair, I made a number of recommendations to backfill my own Authority commitments on two remaining committees and the Police Negotiating Board:
- Angela Leitch to join the Complaints and Conduct Committee
  - Chris Creegan to join the Policing Together Oversight Group
  - Chris Brown, Deputy Chief Executive to join the Police Negotiating Board
- 2.2 These appointments were approved by Members on 24 April 2025 and took immediate effect. I have attached at Appendix A a summary of the current membership of committee / oversight group with the changes as approved highlighted.
- 2.3 With a current Board membership of just 9, we are running with a reduced capacity. I expect to make further appointments to committees / oversight groups once new members are on board.

## 3. Board Objectives

- 3.1 The [Board's Objectives for 2025-26](#) have been reviewed and published on the Authority's website following agreement with Members.
- 3.2 The Board's objectives explain what the Board, as a collective group of non-executive Members, will do to contribute to the direction and priorities for policing which are set out and approved or endorsed by the Board in the following documents:
- [Strategic Police Plan 2023-2026](#)
  - [Police Scotland's Vision 2030](#)
  - [The Forensic Services Strategy 2021-2026](#)
  - [The Authority's Corporate Strategy 2023-2026](#)

3.3 The two key priorities for the Board during 2025-2026 will remain:

- To maintain a balanced budget position within policing
- To support the development of sustainable policing and forensic services.

3.4 To meet both objectives, the Board will focus its support and scrutiny of policing in three specific areas:

- Culture
- Capacity
- Capability

#### **4. Appointment of Temporary Assistant Chief Constable**

4.1 On 11 April the Board approved the appointment of Lynn Radcliff to the position of Temporary Assistant Chief Constable Professionalism and Assurance following an internal recruitment process. I am grateful to Mary Pitcaithly who represented the Authority on that selection panel.

#### **5. Board Member Recruitment**

5.1 Public Appointments Scotland launched a recruitment process seeking five new Board members to join the Authority on 9 April 2025. Members with skills and experience in one of the following five areas are being sought:

- Advocating for and influencing policy or practice for minoritised ethnic communities
- Legal and compliance issues in the public sector
- Digital and technology-enabled change
- Policing experience at a strategic and operational level
- Financial expertise.

5.2 The selection panel for this recruitment round is being Chaired by Don McGillivray, Scottish Government Director of Safer Communities and includes myself as Chair, Madeline Smith, Independent Member and Heidi Winsor of the Ethical Standards Commission.

5.3 To support the recruitment process, the Authority hosted an online information session for potential candidates on Tuesday 29 April which was well attended. I am grateful to Pauline Howie and Angela Leitch who supported the session by giving interested candidates an insight into their experience on the Board over the last year.

- 5.4 The deadline for applications was Tuesday 6 May 2025 and the interview and selection process is expected to conclude at the end of June with new Members in post from 1 August 2025.

## **6. Chief Executive Recruitment**

- 6.1 On 9 April the Authority also launched a recruitment process for the next Chief Executive who will take over from Lynn Brown in September when she retires.
- 6.2 The Authority is utilising the support of an independent and specialist Recruitment Partner, LHH, to conduct this process. The Selection Panel will be Chaired by myself as Chair of the Authority and includes Don McGillivray, Scottish Government Director of Safer Communities, Gregory Colgan, Independent Panel Member and Mary Pitcaithly. The closing date for applications was 4 May 2025 and the recruitment and selection process is expected to conclude in late June 2025.

## **7. National Conversation on Live Facial Recognition**

- 7.1 The Authority has been working in partnership with Police Scotland and the Scottish Biometrics Commissioner to take forward a commitment made in June 2024 to host a national conversation on the use of live facial recognition technology in policing. This public conversation is not a formal conversation. It was an early opportunity to gauge the public's views about the use of this technology.
- 7.2 More than 2,600 responses were received from the public to an online survey. Focus groups were held with interested groups to understand the specific implications across society. I am very grateful to everyone who gave their time, expertise and for sharing their views.
- 7.3 The final stage of this conversation will conclude at a conference held on the 16 May in Edinburgh, bringing together operational and regulatory expertise, and providing stakeholders with a further opportunity to discuss the potential use of this technology in a Scottish policing context.
- 7.4 A report outlining the findings of the conversation, incorporating analysis from the survey responses, focus groups and the conference, will be reported to the Authority's Policing Performance Committee on 10 June. Police Scotland will also provide further detail on any next steps.

## **8. Memorandum of Understanding**

- 8.1 The Scottish Police Authority and Police Scotland signed a Memorandum of Understanding (MOU) in 2021. The MOU seeks to provide a guide to early and effective identification, and appropriate engagement, between the Authority and Police Scotland. This applies when the service is considering a new or significantly revised and emerging strategy, policy, or practice to improve the safety and wellbeing of persons, localities, and communities in Scotland, and which are likely to be of significant public interest.
- 8.2 Following my appointment as Chair, the Chief Constable and I have resigned the document, restating our commitment. This is attached to my report at Appendix B and has been updated on the Authority's website.

## **9. Regional Scrutiny Engagement Sessions**

- 9.1 At the end of April, I attended three virtual regional scrutiny engagement sessions, where I had the opportunity to meet elected representatives from across Scotland. These sessions, supported by DCC Connors and the three regional ACCs, provide an opportunity to discuss policing issues of local, regional and national importance. They also offered further detail on the national and specialist provision which underpins and enhances delivery of local policing across every community of Scotland. This was my first opportunity to meet many of the elected representatives who deliver local scrutiny, and I want to express my thanks to them for their positive and constructive engagement.

## **10. Supreme Court Judgement**

- 10.1 On 16 April 2025, the Supreme Court issued its judgement in the case of For Women Scotland Vs Scottish Ministers, ruling that a Gender Recognition Certificate does not change a person's legal sex for the purposes of the Equality Act 2010. The Authority notes the Supreme Court's Judgement and the Interim Guidance subsequently published by the EHRC on Friday 25 April 2025. We expect both the judgement and the developing guidance to inform Police Scotland's ongoing review.

## **11. Engagement with Unison**

- 11.1 As part of the Authority's regular engagement with our workforce representatives, I met with Unison on 29 April to discuss a range of important workforce issues with a focus on Unisons involvement on key strategic issues and strategies. I am grateful to Unison

representatives for their ongoing constructive dialogue and support for the scrutiny of policing.

## **12. COSLA 50<sup>th</sup> birthday celebrations**

- 12.1 I was honoured to attend the Parliamentary reception to celebrate 50-years of COSLA on 8 May, alongside colleagues from across public service in Scotland. It was a great opportunity to celebrate the role of local government in shaping delivery of services, and to hear so much focus from COSLA President Shona Morrison on the importance of collaboration and effective delivery of outcomes for the communities of Scotland.

### **RECOMMENDATIONS**

Members are invited to discuss the contents of this report.

## Appendix A

### Approved Updates to Membership of Committee / Oversight Groups

<b>Audit, Risk and Assurance Committee</b>  Mary Pitcaithly - Chair Paul Edie Pauline Howie Katharina Kasper Angela Leitch	<b>Complaints and Conduct Committee</b>  Katharina Kasper – Chair Chris Creegan Paul Edie Angela Leitch
<b>Exceptional Circumstances Committee</b>  Fiona McQueen - Chair Tom Halpin Mary Pitcaithly	<b>Forensic Services Committee</b>  Paul Edie – Chair Chris Creegan Angela Leitch Katharina Kasper Mary Pitcaithly
<b>Legal Committee</b>  Chris Creegan – Chair Tom Halpin Pauline Howie Mary Pitcaithly	<b>People Committee</b>  Tom Halpin – Chair Paul Edie Alasdair Hay Angela Leitch
<b>Policing Performance Committee</b>  Alasdair Hay – Chair Chris Creegan Tom Halpin Katherina Kasper Mary Pitcaithly	<b>Resources Committee</b>  Pauline Howie – Chair Tom Halpin Alasdair Hay Angela Leitch
<b>Police Negotiating Board</b>  Pauline Howie – Chair Chris Brown, Deputy Chief Executive 1 x vacancy	<b>Policing Together Oversight Group</b>  Tom Halpin – Chair Chris Creegan Mary Pitcaithly
<b>2026 Commonwealth Games Policing Oversight Group</b>  Alasdair Hay – Chair Pauline Howie Mary Pitcaithly	<b>Scottish Railways Policing Committee</b>  Tom Halpin Mary Pitcaithly



## Appendix B



SCOTTISH POLICE  
AUTHORITY  
ÙGH DARRAS POILIS NA H-ALBA



POLICE  
SCOTLAND  
Keeping people safe  
POILEAS ALBA

### **Memorandum of Understanding (MOU) on engagement and communication relating to new and emerging strategy, policy, or practice in areas of significant public interest**

#### **Introduction**

This Memorandum of Understanding (MOU) seeks to provide a guide to early and effective identification, and appropriate engagement, between the Scottish Police Authority and Police Scotland. This applies when the service is considering a new or significantly revised and emerging strategy, policy, or practice to improve the safety and wellbeing of persons, localities, and communities in Scotland, and which are likely to be of significant public interest.

The aim is to acknowledge issues early, develop a fully informed understanding of the public interest issues regarding it, and agree the critical pathway for comprehensive assessment and anticipated outcomes. The MOU will use existing Police Scotland management controls and advisory mechanisms, and the Authority's established governance framework, to achieve this aim.

#### **1. Principles of early engagement and communication**

There is a statutory duty on policing, set out in the Police and Fire Reform (Scotland) Act 2012, to work in a manner which is collaborative with partners, accessible and engaged with local communities, and with a clear emphasis on prevention.

Police Scotland will work proactively with the Authority where an issue is assessed as likely to be of significant public interest. This should be at the earliest practicable stage of the development process of a new or revised strategy, policy, or practice. The joint objective is to better inform decision making, through wide and transparent public discussion and engagement at the earliest opportunity. Enhancing decision making by enabling the widest civic awareness, understanding of the issue, and providing assurance that relevant partners and stakeholders have had an opportunity to consider and contribute to it.

The impacts and benefits of many policy issues within policing are felt across communities and civic partners, including local government. Early engagement with the Authority should identify these impacts and



benefits. Associated risks, whether relating to service quality, reputational, governance or public confidence matters should also be identified and where possible proactively mitigated through an agreed coordinated plan.

The MOU will apply specifically to new, revised, and emerging areas of strategy, policy, or practice; however, the use of the MOU principles will support the identification of broader, thematic, issues for discussion and consideration. For example, Police Scotland may seek to introduce new technologies to protect citizens against the growing range of digital threats and risks. There is, however, the need for a wider, contextual, discussion about the appropriate balance of duties of policing in Scotland, alongside the safety and privacy expectations and rights of the public.

Police Scotland will build on its consistent demonstration of, and commitment to, ethical policing and its organisational values of integrity, fairness, respect, and commitment to upholding human rights. Openness and transparency in its decision making on significant matters of new strategy, policy or practice aims to further strengthen the principle of policing by consent across all Scottish communities.

The Chief Constable's responsibilities for improving the safety and well-being of persons, localities and communities in Scotland may in time critical situations require dynamic and responsive decision making. The Chief Constable is required and empowered in statute and common law to take such decisions in relation to strategy, policy or practice as circumstances require. It may not, therefore, be possible for this Memorandum of Understanding to cover every situation or eventuality that may arise as the Chief Constable discharges these responsibilities. In those exceptional circumstances the spirit of the Memorandum of Understanding should be applied.

## **2. Operational independence and accountability of the Chief Constable**

This MOU recognises the balance and alignment between the Chief Constable's operational independence and the Chief Constable's accountability to the Scottish Police Authority as set out in Police and Fire Reform (Scotland) Act 2012.

The principle of operational independence of the Chief Constable and Police Scotland is long established and is a crucial feature in any democracy. Explicit respect for, and protection of this operational independence is the most effective way of ensuring that Police Scotland can discharge its statutory duties and responsibilities fairly and consistently, and in a manner which has respect for the human rights of every citizen at its core.

The Police and Fire Reform (Scotland) Act 2012 sets out the arrangements for policing in Scotland, including oversight and accountability provisions. The provisions of the 2012 Act underpin the critical common law principle of operational independence, making it clear that operational decision-making rests with the Chief Constable, who is accountable to the people of Scotland, through the Scottish Police Authority, for the policing of Scotland.

The 2012 Act provides that the Chief Constable must ensure that the policing of Scotland be carried out within certain parameters, and with due regard to the policing principles and strategic police priorities.

There is no provision in the legislation which allows Scottish Ministers or the Scottish Police Authority to direct the Chief Constable in relation to any specific operational activity. The Act specifically prohibits Scottish Ministers from providing direction in respect of a specific operation being (or to be) carried out by the Police Service, or the way in which the Police Service is carrying out (or is to carry out) a specific operation. The Authority is an important element of this protection from any political attempt to influence policing.

Therefore, nothing in this MOU will undermine or diminish the critical principle of the operational independence of the Chief Constable.

### **3. Areas and issues covered by this Memorandum of Understanding**

Police Scotland will ensure, wherever possible, early engagement with the Authority, to assess whether the new or revised strategy policy or practice meets the following criteria:

- that it is likely to cause significant ethical, privacy or human rights concerns to be raised by stakeholders and the public, or
- to have a significant impact on public perceptions of, or confidence, in policing.

Police Scotland will ensure that, at the appropriate stage, any significant new or revised strategy, policy or practice developments are subject to tests of legality and proportionality, Human Rights and Equality Impact Assessments, Data Protection Impact Assessments, Community Impact Assessments, and any other appropriate assessment process which will inform the public interest considerations. The Authority will review these assessments and may seek further assurances from Police Scotland on the details of the assessments and the degree to which there has been partner and public engagement.

The Authority will actively collaborate in early engagement with Police Scotland over new or revised strategy, policies or practice which fall within the remit of this MOU.

The signing of this Memorandum of Understanding, by the Chief Constable and the Chair of the Authority, is an agreement that the principles should be applied as the default approach to the relationship between both organisations, regarding changes to policing which are likely to generate significant public interest.

On occasion, there may be specific areas of strategy, policy, or practice where it is appropriate for the Authority and Police Scotland to jointly lead engagement and communication on the issue. The Authority and Police Scotland will respectively appoint lead officials to take this work forward. The Chief Constable and Authority Chair may also consider whether it is appropriate to establish an Independent Advisory Group or dedicated Authority Oversight Group for the issue.

#### **4. Stages of the Memorandum of Understanding**

The following stages should form part of the process arising from the approach described in this Joint Memorandum of Understanding. These stages are purposefully not over prescribed, to ensure that the MOU facilitates a meaningful focus on the issue and its identified public purpose. It also allows consideration of the associated benefits and risks, understanding its impact through an early public conversation and discussion, and using this information to transparently consider the range of views of the public, key partners, and stakeholders. The stages are as follows.

#### **5. Identification and Assessment**

- Develop a short description of the issue and a description of the clear and defined purpose to improve the safety and wellbeing of persons, localities, and communities in Scotland.
- An assessment of whether and how it meets the remit of this MOU (particularly in terms of public interest and impact).
- Should it be assessed that the brief does not meet the remit of the MOU, a written rationale will be recorded and retained.
- An outline of clear timelines for proposed implementation.
- There should be a strong emphasis, whether instigated by Police Scotland or the Authority, on (a) the early identification of issues connected to public/political/partner confidence, (b) an outline of the key ethical, privacy or human rights considerations, and (c) other associated risks.

## 6. Communication, Engagement and Delivery

Police Scotland and the Authority should consider the following.

- If appropriate, set out shared outcomes for the issue.
- Agree a critical path, to ensure that the development and testing of the issue is subject to regular oversight and discussion through the Authority and Police Scotland governance .
- Agree a plan to use existing bodies (for example, Police Scotland Ethics Panels or existing Local Authority or COSLA advisory or scrutiny mechanisms) to test any ethical, privacy and any human rights, and wider public or partner confidence issues associated the issue. Develop an engagement plan for the issue, to include communications and stakeholder management, to ensure (a) a full and transparent discussion of the issue, and (b) the most informed decision-making on next steps/approval. Early consideration should be given to the use of public surveys and convening interest or focus groups to promote debate and understanding of the issue.
- Ensure that the engagement and communications process include Staff Association and Trade Union views on the issue.
- Where possible, use best practice/available evidence from other jurisdictions and sectors, engaging academic partners where appropriate.
- Consider the appropriateness and value of a test deployment, and formal external or internal evaluation prior to full implementation.
- Plan to establish a baseline and post implementation review process to produce, within a reasonable time, a short Post-Implementation Report on impact evaluation, delivered or projected benefits and any wider organisational learning.

The MOU will continue to be reviewed annually and approached as a flexible and learning focused process to maximise public engagement and understanding of the justification for changes to policing in Scotland.



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Fiona McQueen CBE  
Chair  
Scottish Police Authority



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Jo Farrell  
Chief Constable  
Police Scotland