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SCOTTISH POLICE  
**AUTHORITY**

**CORPORATE GOVERNANCE FRAMEWORK of the  
SCOTTISH POLICE AUTHORITY**

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# **CORPORATE GOVERNANCE FRAMEWORK OF THE SCOTTISH POLICE AUTHORITY**

## **Introduction**

The Scottish Police Authority (the Authority)(or, in Gaelic, Ùghdarras Poilis na h-Alba) is a body corporate established by the Police and Fire Reform (Scotland) Act 2012 (the Act). It came into operation on 1 April 2013, along with the Police Service of Scotland, and its core functions are defined by the Act.

The Act sets out a legislative framework to ensure effective governance for policing services across Scotland with the Authority responsible for providing strong national governance arrangements and accountability<sup>1</sup>.

This document describes how the Authority works to deliver good corporate governance. In carrying out its functions the Authority has specific regard to:

- the terms of the Act;
- Governance and Accountability Framework Document of the Scottish Police Authority, drawn up by Scottish Government in consultation with the Authority and which describes the context within which the Authority operates and sets out key roles and responsibilities. (Annex A)
- the Public Finance and Accountability (Scotland) Act 2000, as amended;
- the Scottish Public Finance Manual (SPFM);
- the Memorandum to Accountable Officers for Other Public Bodies<sup>2</sup>;
- On Board: A Guide for Members of Statutory Boards<sup>3</sup> published by the Scottish Government; and
- the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The Authority must try to carry out its functions in a way which is proportionate, accountable and transparent and which is consistent with any principle of good governance which appears to it to constitute best practice (section2(3) of the Act).

Good governance enables the Authority to achieve its vision and corporate objectives as well as underpin these with mechanisms for the control and management of risk which it reports through its committee structures and processes, and the method of decision-making.

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<sup>1</sup> Police and Fire Reform (Scotland) Bill: Policy Memorandum, pages 15-16

Our governance principles are:

- being clear about, and having a strong focus on, our purpose and on outcomes for citizens and service users;
- being clear about our functions and responsibilities and performing effectively in carrying them out;
- promoting values for the whole organisation and demonstrating the values of good governance through behaviour;
- developing our capacity and capability to be effective in both non-executive and executive roles;
- managing risks and performance through robust internal control systems and strong public financial management; and
- implementing good practices in transparency, reporting and audit to deliver effective accountability.

**GOVERNANCE AND ACCOUNTABILITY FRAMEWORK DOCUMENT of the  
SCOTTISH POLICE AUTHORITY.**

**Introduction**

1. This framework document has been drawn up by the Scottish Government in consultation with the Scottish Police Authority (the Authority). It sets out the broad framework within which the Authority will operate and defines key roles and responsibilities which underpin the relationship between the Authority and the Scottish Government. While this document does not confer any legal powers or responsibilities, it forms a key part of the governance and accountability arrangements for policing in Scotland and should be reviewed and updated as necessary. Any proposals to amend the framework document either by the Scottish Government or the Authority will be taken forward in consultation and in light of Scottish Government priorities and policy aims, through dialogue and consultation between the relevant parties. Any questions regarding the interpretation of the document shall be determined by the Scottish Government after consultation with the Authority. Legislative provisions shall take precedence over any part of this document.

2. Copies of the document shall be placed in the Scottish Parliament Reference Centre. It shall also be published on both the Scottish Government and the Authority websites.

**The Role and Purpose of the Authority**

3. The Authority was established as a national public body under the Police and Fire Reform (Scotland) Act 2012 and came into being on 1 April 2013. The 2012 Act sets out the arrangements for the structure, governance and management of policing in Scotland. The Act established the Scottish Police Authority and conferred upon it the responsibility for the governance, oversight and administration of the Police Service of Scotland, the provision of Forensic Services and for Independent Custody Visiting Services. A link to the Police and Fire Reform (Scotland) Act is provided here:

<https://www.legislation.gov.uk/asp/2012/8/contents>

4. In particular, the Authority was created to:-
- provide strong governance arrangements and clear accountability for the police service
  - provide a clear separation between Scottish Ministers and the police service

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- ensure that the Chief Constable is free from undue political influence in making decisions about the investigation of crime.

5. The Authority's main statutory functions as set out in Section 2 of the Act are to -

- maintain the Police Service of Scotland;
- promote the statutory policing principles;
- promote and support continuous improvement in the policing of Scotland;
- keep the policing of Scotland under review; and
- hold the Chief Constable to account for the policing of Scotland.

6. The Authority must also provide forensic services to Police Service of Scotland, the Police Investigations and Review Commissioner, and the Lord Advocate and Procurators Fiscal. Scottish Ministers determine the strategic police priorities that the Authority and Police Service of Scotland are expected to deliver upon.

7. The Authority has a statutory duty to produce a strategic police plan. In doing so, it must involve the Chief Constable and make arrangements for obtaining the views on what the plan should contain from persons it considers likely to have an interest in policing. The strategic police plan should reflect the strategic police priorities determined for the Authority by Scottish Ministers. The Act requires that the Authority submits its strategic police plan to Scottish Ministers and use its best endeavours to secure the approval of the plan. It is expected that throughout the process of developing the plan, discussion should take place with the Scottish Government's Sponsor Team with regard and due consideration given to any comments offered. The Authority will also produce an annual Business Plan which will provide more detailed information on how corporate and business objectives will be delivered in-year.

8. The Authority will be responsible for scrutinising the Annual Police Plan produced by the Chief Constable, which must describe how the arrangements for policing in that year will contribute towards the achievement of the objectives set out in the Authority's strategic plan.

9. The Authority must produce an annual report which shall include an assessment of the Authority's performance throughout the reporting year in carrying out its functions as well as an assessment of Police Service of Scotland's performance throughout the reporting year in the policing of Scotland.

10. The Authority's annual report must also contain an assessment of the performance by both the Authority and Police Service of Scotland in achieving the main objectives set out in the strategic police plan and an assessment of the performance by Police Service of Scotland in implementing the proposed arrangements set out in its annual police plan. The annual report must be published, with copies being provided to Scottish Ministers and laid in Parliament.

11. More detailed information on priorities, planning and performance is provided later in this document.

## **Relationship between the Scottish Government and the Scottish Police Authority**

12. Effective strategic engagement between the Scottish Government and the Authority is essential in order for the two to work together as effectively as possible to maintain and improve public services and deliver improved outcomes. Both the Scottish Government and the Authority will take all necessary steps to ensure their relationship is developed and supported in line with the jointly agreed principles set out in the statement on “Strategic Engagement between the Scottish Government and Scotland’s NDPBs”. This will afford key recognition to the role of the Authority in providing separation between Scottish Ministers and Police Service of Scotland.

## **Governance and Accountability**

### **Legal Origins of Powers and Duties**

13. The Authority is established under the Police and Fire Reform (Scotland) Act 2012 as a body corporate. The constitution of the Authority is set out in Schedule 1 of the Act.

14. The Authority does not carry out its functions on behalf of the Crown.

### **Ministerial Responsibilities**

15. Scottish Ministers are accountable to the Scottish Parliament for the activities of the Authority and its use of resources. The Police and Fire Reform (Scotland) Act 2012 places a number of key responsibilities with Scottish Ministers. These are:

- To appoint the Chair and members of the SPA.
- To approve the appointment of the Chief Constable.
- To allocate the policing budget to the SPA.
- To set the Strategic Policing Priorities.

16. Other specific responsibilities of Scottish Ministers under the 2012 Act include:

- determining the Authority’s strategic police priorities under Section 33;
- approving the strategic police plan under Section 34 (the Authority will use its best endeavours to secure their approval of the plan);
- agreeing the budget and the associated grant in aid requirement to be paid to the Authority, and securing the necessary Parliamentary approval;
- other matters such as approving the pay remit covering all staff employed by the Authority (including police staff) in line with Scottish Government Pay Policy and laying the Authority’s accounts before the Scottish Parliament.

17. Scottish Ministers are not, however, responsible for day to day operational matters.

18. The Authority must comply with any direction (general or specific) given by Scottish Ministers. The power of direction is rarely used but is an important mechanism to ensure that any public body is ultimately accountable to Government for the discharge of its functions within the parameters of legislation and its duties as a public body.

### Scottish Police Authority's Responsibilities

19. In addition to those defined above, other responsibilities of the Authority include:

- Recommending the appointment of the Chief Constable (subject to final approval of Scottish Ministers),
- Appointing Deputy and Assistant Chief Constables.
- Handling complaint and conduct processes for senior police officers (above the rank of ACC).
- Employing staff (in Police Service of Scotland, Forensic Services, and the corporate support to the Authority).
- Making arrangements for an Independent Custody Visiting Service.

20. The Authority is responsible for the allocation of the policing budget. The Authority's Chief Executive is designated by the Permanent Secretary of the Scottish Government as the Accountable Officer for this budget.

21. The Authority is expected to comply with the range of general obligations and responsibilities relevant to its status as an 'other significant public body', including for example the obligations of the Scottish Public Finance Manual (SPFM).

22. The Authority consists of Non-Executive Members, including the Chairing Member, appointed by Scottish Ministers in line with the Code of Practice for Ministerial Public Appointments in Scotland. The Police and Fire Reform (Scotland) Act 2012 establishes the Scottish Police Authority as a body corporate comprised of the Board members. **The Board members are the Authority and this is an important distinction with some other public bodies.** The Authority may appoint staff to assist it in the carrying out of its functions (Schedule 1 paragraph 6(1)). Under paragraph 12, it is for the Authority to determine the extent of delegation of its functions to the Chief Executive (as the most senior representative of the staff appointed to assist the Authority in the carrying out of its functions).

23. The role of the Board Members, as the Authority, is to provide leadership, direction, support and guidance to ensure the Authority delivers and is committed to delivering its functions effectively and efficiently and in accordance with the aims, policies and priorities of Scottish Ministers. It has collective corporate responsibility

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under the leadership of the Chairing member for the following specific statutory functions set out in paragraphs 5 and 6 and for the following:

- taking forward the strategic priorities determined by the Scottish Ministers;
- determining the steps needed to deal with changes, which are likely to impact on the strategic priorities of the Authority or on the achievement of related objectives;
- preparing (in consultation with the Chief Constable) the strategic police plan;
- appointing staff to assist the Authority and the Chief Constable in the carrying out of their respective functions;
- promoting the efficient, economic and effective use of staff and other resources consistent with the duty under Section 37(1) of the Act to make arrangements to secure [Best Value](#) for the Authority i.e. the continuous improvement in the carrying out of the Authority's functions including, where appropriate, participation in shared services arrangements;
- ensuring that effective arrangements are in place to provide assurance on risk management (including in respect of personnel, physical and cyber risks/threats/hazards), governance and internal control (the Authority must set up an audit committee chaired by a Member to provide independent advice and assurance on the effectiveness of the internal control and risk management systems);
- (in reaching decisions) taking into account relevant guidance issued by Scottish Ministers;
- providing public access to its proceedings, those of its committees and sub-committees and its papers and reports, in line with the requirements of paragraph 11 of Schedule 1 of the Act and publishing a statement setting out the circumstances in which proceedings may be held in private or papers may not be published;
- acting consistently with principles of good governance, accountability and transparency, as required under Section 2 of the Act;
- maintaining (together with the Chief Constable) suitable arrangements for the handling of relevant complaints as required under Section 60 of the Act;
- Approving the annual accounts and ensuring Scottish Ministers are provided with the annual report and accounts to be laid before the Scottish Parliament no later than 31 December. The Chief Executive as the Accountable Officer is responsible for signing the accounts and ultimately responsible to the Scottish Parliament for their actions;
- ensuring that the Authority receives and reviews regular information concerning the financial management and performance of the Authority (and the Police Service of Scotland) and is informed in a timely manner about any concerns regarding the activities of the Authority (or the Police Service of Scotland);
- appointing (with the approval of Scottish Ministers) the Chief Constable;
- appointing (following consultation with the Chief Constable) Deputy and Assistant Chief Constables;
- appointing (with the approval of Scottish Ministers) the Authority's Chief Executive or equivalent lead officer, setting appropriate performance priorities, and determining remuneration terms seeking any Ministerial approval required

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in accordance with the Scottish Government Pay Policy for Senior Appointments; and

- demonstrating high standards of corporate governance at all times, including openness and transparency in its decision making.

### Chair Responsibilities

24. The Chair is appointed by Scottish Ministers and is directly accountable to them and to the Scottish Government's Director General for Education, Communities and Justice. The Chair of the Scottish Police Authority, in common with any individual with responsibility for devolved functions, may be called to account by the Scottish Parliament. Communications between the Authority and Scottish Ministers should normally be through the Chair. They are responsible for ensuring the Authority's policies and actions support Scottish Ministers' wider strategic policies and that its affairs are conducted with probity. In doing so, Scottish Ministers will have cognisance of the statutory role of the Authority and the national Police Service of Scotland.

25. In leading the Authority the Chair must ensure that:

- the work of the Authority is subject to regular self-assessment and that the Board is working effectively;
- the Authority, in accordance with recognised good practice in corporate governance, is diverse both in terms of relevant skills, experience and knowledge appropriate to directing Authority business, and in terms of the protected characteristics under the Equality Act;
- the Authority Members are fully briefed on terms of appointment, duties, rights and responsibilities;
- together with the other Authority Members, they receive appropriate induction training, including on financial management and reporting requirements and on any differences that may exist between private and public sector practice and local and central government practice;
- succession planning takes place to ensure that the Authority is diverse and effective and that Scottish Ministers are advised of the Authority's needs when Authority Member vacancies arise;
- there is a Code of Conduct for Authority Members in place, approved by Scottish Ministers;
- the performance of individual Authority Members is assessed on a continuous basis and formally appraised at least annually; and
- in consultation with Authority Members, the performance of the Chief Constable, the Director of Forensic Services and the Authority's Chief Executive is appraised annually.

### Authority Members' Responsibilities

26. Members of the Authority should act in accordance with the responsibilities of the Authority as a whole and comply at all times with the Code of Conduct adopted by the Authority and with the rules relating to the use of public funds and to conflicts of interest. (In this context "public funds" means not only any funds provided to the

Authority by Scottish Ministers but also any other funds falling within the stewardship of the Authority, including trading and investment income, gifts, bequests and donations.)

27. Guidance on Members' responsibilities is provided in On Board: A Guide for Board Members of Public Bodies in Scotland. The specific role of the Members as identified at para 23 above is also emphasised.

### **Chief Executive Responsibilities**

28. The Chief Executive is employed and appointed by the Authority (with the approval of Scottish Ministers). They are the Board's principal adviser on the discharge of the Authority's functions and they are accountable to the Board.

29. Their role is to provide operational leadership to the Authority, to support the delivery of the Board's aims and objectives, and to ensure the Authority's functions are delivered and targets are met through effective and properly controlled executive action. Their general responsibilities include the performance, management and staffing of the Authority and ensuring that the Authority fulfils its duty to maintain the Police Service of Scotland in terms of the Act. General guidance on the role and responsibilities of the Chief Executive are contained in On Board.

30. Specific responsibilities to the Board include:

- advising the Members on the discharge of their responsibilities - as set out in this document, in the founding legislation and in any other relevant instructions and guidance issued by or on behalf of Scottish Ministers - and implementing the decisions of the Members;
- ensuring that financial considerations are taken fully into account by the board at all stages in reaching and executing its decisions, and that appropriate financial appraisal and evaluation techniques, consistent with the Appraisal and Evaluation section of the Scottish Public Finance Manual (SPFM), are followed;
- ensuring that the Authority adheres, where appropriate, to the Scottish Government's Programme and Project Management Principles;
- having robust performance and risk management arrangements - consistent with the Risk Management section of the SPFM - in place that support the achievement of the Authority's priorities and that facilitate comprehensive reporting to the Authority, the Scottish Government and the wider public. Risk management arrangements should include full consideration of organisational resilience to physical, personnel and cyber risks/threats/hazards;
- ensuring that adequate systems of internal control are maintained by the Authority, including effective measures against fraud and theft consistent with the Fraud section of the SPFM;
- establishing appropriate documented internal delegated authority arrangements consistent with the Delegated Authority section of the SPFM;

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- advising the Members on the performance of the Authority compared with its aims and objectives;
- ensuring effective relationships with the Chief Constable (insofar as that can be achieved in line with the Authority's function of holding the Chief Constable to account for the policing of Scotland) and Scottish Government officials;
- preparing the Authority's annual business plans, in line with the strategic priorities determined by Scottish Ministers;
- in accordance with required Scottish Government deadlines, ensure that forecasts and monitoring information on performance and finance are provided to the Scottish Government; that the Scottish Government is notified promptly if over or under spends are likely and that corrective action is taken; and that any significant problems whether financial or otherwise, and whether detected by internal audit or by other means, are notified to the Scottish Government in a timely fashion; and
- ensuring staff pay proposals are in line with Scottish Government Policy and submitted in time and the necessary approvals obtained prior to implementing any annual award.

The following paragraphs give more detail about the role of the Chief Executive as Accountable Officer.

### Accountable Officer Responsibilities

31. The Principal Accountable Officer for the Scottish Administration, ie the Permanent Secretary of the Scottish Government, will designate the Chief Executive as the Accountable Officer for the Authority.

32. Accountable Officers are answerable to the Scottish Parliament for the exercise of their functions, as set out in the Memorandum to Accountable Officers for Other Public Bodies. These include:

- ensuring the propriety and regularity of the Authority's finances and that there are sound and effective arrangements for internal control and risk management;
- ensuring compliance with relevant guidance issued by the Scottish Ministers, in particular the SPFM and SG Pay Policy;
- ensuring that arrangements have been made by the Authority to secure [Best Value](#) and deliver Value for Money for the public sector as a whole;
- signing the accounts of the Authority and associated governance statements; and
- a statutory duty to obtain written authority from the Authority/Chair before taking any action which he/she considered would be inconsistent with the proper performance of the Accountable Officer functions. The Accountable Officer should also notify the relevant Portfolio Accountable Officer.

33. It is incumbent on the Chief Executive to combine their Accountable Officer responsibilities to the Scottish Parliament with their wider responsibilities to the board. The Chair and members should be fully aware of, and have regard to, the

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Accountable Officer responsibilities placed upon the Chief Executive, including the statutory duty described above.

34. In the exercise of their Accountable Officer functions the Chief Executive should have due regard to the use of resources deployed by the Chief Constable. It is incumbent on the Chief Executive to combine their Accountable Officer responsibilities to the Scottish Parliament with their wider responsibilities to the Authority. The Authority and its Chair should be fully aware of, and have regard to, the Accountable Officer responsibilities placed upon the Chief Executive, including the statutory duty described above.

### **Portfolio Accountable Officer Responsibilities**

35. The Principal Accountable Officer for the Scottish Administration, ie the Permanent Secretary of the Scottish Government, will designate the Director-General for Education, Communities and Justice, or their equivalent, as the Accountable Officer for the Scottish Government portfolio budget for the Authority.

36. The responsibilities of a Portfolio Accountable Officer are set out in detail in the Memorandum to Accountable Officers for Parts of the Scottish Administration. They are personally answerable to the Scottish Parliament for ensuring that:

- the financial and other management controls applied by the Scottish Government are appropriate and sufficient to safeguard public funds and, more generally, that those being applied by the Authority and the Chief Constable conform to the requirements both of propriety and of good financial management;
- the key roles and responsibilities which underpin the relationship between the Scottish Government and the Authority are set out in a framework document and that this document is regularly reviewed;
- compliance with the framework document is effectively monitored by the sponsor unit;
- effective relationships are in place at Director and Deputy Director level between the Scottish Government and the Authority in accordance with agreed strategic engagement principles '[Strategic Engagement between the Scottish Government and Scotland's NDPBs](#)'; and
- there is effective continuous assessment and appraisal of the performance of the Chair of the Authority, in line with the requirements of the Code of Practice for Ministerial Public Appointments in Scotland.

37. The Portfolio Accountable Officer will also be responsible for assessing the performance of the Authority Chair, at least annually.

### **Scottish Government Director and Deputy Director Responsibilities**

38. The Director for Safer Communities and Deputy Director for Police Division, or their equivalents have responsibility for overseeing and ensuring effective relationships between the Scottish Government and the Authority which support

alignment of the Authority's business to the Scottish Government's Purpose and National Outcomes and high performance by the Authority.

39. They will work closely with the Authority Chief Executive and be answerable to the Portfolio Accountable Officer for maintaining and developing positive relationships with the Authority characterised by openness, trust, respect, and mutual support. They will be supported by a sponsor unit in discharging their functions.

### **Sponsor Unit Responsibilities**

40. Police Division, within the Scottish Government's Directorate for Safer Communities, is responsible for the sponsorship of the Authority. It is the normal point of contact for the Authority in dealing with the Scottish Government. The Division is the primary source of advice to Scottish Ministers on the discharge of their responsibilities in respect of the Authority and undertakes the responsibilities of the Portfolio Accountable Officer on their behalf.

41. Specific responsibilities include:

- discharging sponsorship responsibilities in line with the principles and framework set out in the document "Strategic Engagement between the Scottish Government and Scotland's NDPBs" the ethos of which applies to other public bodies including the Authority and ensuring that sponsorship is suitably flexible, proportionate and responsive to the needs of Scottish Ministers and the Authority;
- ensuring that appointments to the Authority are made timeously, and where appropriate, in accordance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland;
- working with the Authority to ensure alignment of its strategic priorities and annual plans to the National Performance Framework (NPF);
- supporting regular senior level engagement with the Authority, which ensures a shared understanding of priorities to inform its strategic and annual planning;
- promoting the Authority within the Scottish Government and ensuring that it is treated as a key stakeholder in the development of policy;
- proportionate monitoring of the Authority's activities through an adequate and timely flow of appropriate information, agreed with the Authority, on performance, budgeting, control and risk management;
- addressing in a timely manner any significant problems arising in the Authority, alerting the Portfolio Accountable Officer and the responsible Minister(s) where considered appropriate;
- providing a point of contact for progressing concerns relating to the management of the Board;
- ensuring that the priorities of the Authority and the risks to them are properly and appropriately taken into account in the Scottish Government's risk assessment and management systems; and
- informing the Authority of relevant Scottish Government policy in a timely manner.

## **Internal Audit**

42. The Authority shall:

- establish and maintain arrangements for internal audit in accordance with Public Sector Internal Audit Standards (PSIAS) and the Internal Audit section of the SPFM;
- set up an Audit Committee in accordance with the Audit Committees section of the SPFM, to advise both the Authority and the Chief Executive in his/her capacity as the Authority Accountable Officer;
- forward timeously to the Scottish Government the audit charter, strategy, periodic audit plans, and annual audit assurance report, including the Authority Head of Internal Audit opinion on risk management, control and governance and other relevant reports as requested; and
- keep records of, and prepare and forward timeously to the Scottish Government an annual report on fraud and theft suffered by the Authority and Police Service of Scotland and notify the Scottish Government at the earliest opportunity of any unusual or major incidents.
- The Scottish Government's Internal Audit Division has a right of access to all documents held by the Authority's internal auditor, including where the service is contracted out. The Scottish Government has a right of access to all the Authority records and personnel for any purpose.

## **External Audit**

43. The Auditor General for Scotland (AGS) audits, or appoints auditors to audit, the Authority's annual accounts and passes them to Scottish Ministers who shall lay them before the Scottish Parliament, together with the auditor's report and any report prepared by the AGS. For the purpose of audit, the auditors have a statutory right of access to documents and information held by relevant persons. The Authority shall instruct its auditors to send copies of all management reports (and correspondence relating to those reports) and responses to the Scottish Government.

44. The AGS, or examiners appointed by the AGS, may carry out examinations into the economy, efficiency and effectiveness with which the Authority has used its resources in discharging its functions and the economy, efficiency and effectiveness of the Police Service of Scotland. The AGS may also carry out examinations into the arrangements made by both the Chief Constable and the Authority to secure Best Value. For the purpose of these examinations, the examiners have a statutory right of access to documents and information held by relevant persons. In addition, the Authority shall provide, in contracts and any conditions to grants, for the AGS to exercise such access to documents held by contractors and sub-contractors and grant recipients as may be required for these examinations; and shall use its best endeavours to secure access for the AGS to any other documents required by the AGS which are held by other bodies.

## **HM Inspectors of Constabulary in Scotland (HMICS)**

45. HMICS may make inquiries about the state, efficiency and effectiveness of the Authority and of the Police Service of Scotland and their Best Value arrangements. HMICS has the power to do anything which it considers necessary or expedient for the purposes of, or in connection with, its functions. The Authority and the Chief Constable must provide HMICS with such assistance and co-operation as they may require to enable them to carry out their functions. When HMICS publish a report, the Authority and the Chief Constable must consider what has been found and take such measures, if any, as they think fit. Where an HMICS report identifies that the Authority or Police Service of Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the Authority to take such measures as may be required. The Authority must comply with any direction given.

46. HMICS must prepare and publish an annual plan setting out its priorities for inquiries and how they are going to be carried out, consulting stakeholders where appropriate. Where HMICS undertakes an inquiry at its own hand, it will give the report to the Authority, the Chief Executive, the Chief Constable if appropriate, and afterwards to Scottish Ministers, and will publish it. HMICS will also lay the report before the Scottish Parliament. Where Scottish Ministers direct HMICS to undertake an inquiry, the report will be submitted in the first instance to Scottish Ministers and Scottish Ministers will arrange for its laying.

## **Forensic Services**

The Authority must provide forensic services to the Police Service of Scotland, the Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal in terms of section 31 of the Act. The development and delivery of the Forensic Service Strategy is overseen by the Forensic Services Committee to ensure alignment to the Strategic Police Priorities, the Strategic Police Plan and the Scottish Government's Strategy for Justice. The Forensic Services Committee provides oversight, scrutiny and assurance to the Board on the delivery of Forensic Services to the Police Service of Scotland, Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal.

## **Annual Report and Accounts**

47. The Authority must prepare and publish an annual report in accordance with Section 39 of the Act and which contains such other information as agreed with the Scottish Government. The annual report must cover the activities of any corporate, subsidiary or joint ventures under the control of the Authority and outline the Authority's main activities and performance against agreed objectives and targets for the previous financial year. The Authority must also prepare a statement of accounts after the end of each financial year in accordance with relevant statutes and the specific accounts direction, including compliance with the Government Financial Reporting Manual (FRoM) and other relevant guidance issued by Scottish Ministers.

Any financial objectives or targets set by Scottish Ministers should be reported on in the accounts and will therefore be within the scope of the audit. Any subsidiary or joint venture owned or controlled by the Authority shall be consolidated in its accounts in accordance with International Financial Reporting Standards as adapted and interpreted for the public sector context.

48. The report and accounts should both be submitted in draft to the Scottish Government for comment by a deadline agreed between the Authority and the Scottish Government. Whilst the statutory date for laying and publishing accounts audited by the AGS is by 31 December, following the close of the previous financial year, there is an expectation on the part of Scottish Ministers that accounts will be laid and published as early as possible. The accounts must not be laid before they have been formally sent by the AGS to Scottish Ministers and must not be published before they have been laid by Scottish Ministers. The Authority shall be responsible for the publication of both the report and accounts e.g. on the Authority's website.

## **Management Responsibilities**

### **Planning**

49. The Authority must prepare a strategic police plan in accordance with Section 34 of the Act and arrange for it to be reviewed at least once every three years. Strategic plans must be submitted to Scottish Ministers and best endeavours used to seek their approval. The finalised plan shall reflect the strategic priorities determined by Scottish Ministers, indicative budgets and alignment with the Scottish Government's National Performance Framework (NPF). In accordance with Section 34(2) of the Act, the strategic police plan should:

- set out the main objectives for the Authority and for the policing of Scotland;
- explain the reasons for selecting each main objective;
- describe what the Authority considers should be done by it or by the Police Service of Scotland in order to achieve the main objectives;
- where reasonably practicable, identify outcomes by reference to which the achievement of the main objectives may be measured; and
- include any other information connected with the Authority's functions, or policing, which the Authority considers appropriate.

50. In addition, the strategic police plan should generally include:

- the purpose and principal aims of the Authority;
- an analysis of the environment in which the Authority operates;
- details of planned efficiencies, describing how the Authority proposes to meet its duties relating to Best Value;
- alternative scenarios and an assessment of the risk factors that may significantly affect the execution of the plan but that cannot be accurately forecast; and
- other matters as agreed between the Scottish Government and the Authority.

51. The strategic police plan should inform the development of a separate annual police plan by the Chief Constable (Section 35 of the Act). It should also inform the development of a separate business plan for each financial year covering the Authority's wider responsibilities. The Authority's business plan should generally include key targets and milestones for the year immediately ahead, aligned to the NPF, and be linked to budgeting information so that, where possible, resources allocated to achieve specific objectives can be identified. The business plan should be shared in draft with the Scottish Government sponsor unit before being submitted to the Authority for approval prior to the start of the relevant financial year.

### **Budget Management**

52. Each year, in the light of decisions by Scottish Ministers on the allocation of budgets for the forthcoming financial year, the Scottish Government will send to the Authority, in time for it to set its own budget for the forthcoming year, a formal statement of its budgetary provision, a note of any related matters and details of the budget monitoring information required by the Scottish Government. The terms of that letter, referred to as the Budget Allocation and Management letter, should be viewed as complementing the content of this document. Monthly monitoring is the primary means of in-year budget control across the Scottish Government. As such, public bodies must comply with the format and timing of the monitoring together with any requests for further information. The statement of budget provision will set out the budget within the classifications of resource Departmental Expenditure Limits (RDEL), capital DEL (CDEL) and Ring-fenced (non-cash) (RfDEL). The Authority will inform the sponsor unit at the earliest opportunity if a requirement for Annually Managed Expenditure (AME) budget is identified. The Scottish Government should also be advised in the event that estimated net expenditure is forecast to be lower than budget provision at the earliest possible opportunity. Transfers of budgetary provision between the different summary classifications as advised require the prior approval of the Scottish Government Finance Directorate. Any proposals for such transfers should therefore be submitted to the sponsor unit from Police Service of Scotland via the Authority, for initial consideration. Transfers of provision within the summary classifications may be undertaken without reference to the Scottish Government, subject to any constraints on specific areas of expenditure e.g. the approved pay remit.

53. If the trading and other resource income - or the net book value of disposals of non-current assets - realised is less than included in the most up-to-date agreed budget the Authority shall, unless otherwise agreed with the Scottish Government, ensure a corresponding reduction in its gross expenditure (the extent to which the Authority exceeds agreed budgets shall normally be met by a corresponding reduction in the budgets for the following financial year.) If income realised is more than included in the most up-to-date agreed budgets the Authority must obtain the prior approval of the Scottish Government before using any excess to fund additional expenditure (failure to obtain prior approval for the use of excess income - excluding income resulting from gifts, bequests and donations - to fund additional expenditure may result in corresponding reductions in budgets for the following financial year). Income generated from gifts, bequests and donations, must be spent within the

same financial year as the receipt, otherwise additional budget allocations will be required. In any event, income from all sources and all planned expenditure should be reflected in the monthly budget monitoring statement.

### **Cash Management**

54. Any grant in aid (i.e. the cash provided to the Authority by the Scottish Government to support the allocated budget) for the year in question must be authorised by the Scottish Parliament in the annual Budget Act. Grant in aid will normally be paid in monthly instalments on the basis of updated profiles and information on unrestricted cash balances. Payment will not be made in advance of need as determined by the level of unrestricted cash balances and planned expenditure. Unrestricted cash balances held during the course of the year should be kept to the minimum level consistent with the efficient operation of the Authority and Police Service of Scotland - and the level of funds required to meet any relevant liabilities at the year-end. Grant in aid not drawn down by the end of the financial year shall lapse. Grant in aid shall not be paid into any restricted reserve held by the Authority.

55. Subject to the overriding need to obtain value for money, the Authority may open bank accounts with commercial banks where it is judged operationally necessary. The Authority will ensure that the balances held in these accounts are held to the minimum required to meet operational needs consistent with Scottish Government banking arrangements.

### **Risk Management**

56. The Authority shall ensure that the risks that it faces are dealt with in an appropriate manner, in accordance with generally recognised best practice in corporate governance, and develop a risk management strategy in accordance with the risk register and consistent with the Risk Management section of the SPFM. Reporting arrangements should ensure that the sponsor unit is made aware of relevant risks and how they are being managed. The Authority's audit committee is also required, at the earliest opportunity, to notify the relevant Scottish Government Audit and Risk Committee if it considers that it has identified a significant problem which may have wider implications.

### **Organisational Security and Resilience**

57. As part of risk management arrangements, the Authority shall ensure that it has a clear understanding at board level of the key risks, threats, and hazards it may face in the personnel, physical, and cyber domains, and take action to ensure appropriate organisational resilience to those risks/threats/hazards. It should have particular regard to the following key sources of information to help guide its approach:

- [Having and Promoting Business Resilience \(part of the Preparing Scotland suite of guidance\)](#)
- [The Scottish Public Sector Action Plan on Cyber Resilience and associated guidance.](#)

## **Counter Fraud Arrangements**

60. The Authority should adopt and implement policies and practices to safeguard itself and the Police Service of Scotland against fraud and theft, in accordance with the Fraud section of the SPFM. Application of these processes must be monitored actively, supported by a fraud response plan and robust reporting arrangements. This includes the establishment of avenues to report any suspicions of fraud.

## **Performance Management**

61. The Authority shall operate management information and accounting systems, and collect other relevant evidence to enable it to review, in a timely and effective manner, the financial and non-financial performance of both the Authority and the Police Service of Scotland against the strategic priorities and relevant objectives and targets set out in the corporate and business plans. The results of such reviews should be reported on a regular basis to the Board and Chief Constable as appropriate and copied to the Scottish Government. The Scottish Government shall assess the Authority's performance on a continuous basis and formally review performance on a quarterly basis through an assessment of Board performance reports. The responsible Cabinet Secretary shall meet the Authority Chair at least quarterly.

## **Scottish Police Authority Workforce Management**

### **Broad Responsibilities**

62. The Authority is the employer of civilian staff appointed directly by the Authority to assist in carrying out its functions, and of those appointed by and subject to the direction and control of the Chief Constable (who are appointed on behalf of, and subject to any recommendations and guidelines issued by the Authority). Police constables are Crown servants, appointed by (with the exception of senior officers) and subject to the direction and control of the Chief Constable.

63. The Authority has responsibility, in line with section 37 of the Act, duty to secure Best Value, and On Board guidance for Board Members of Public Bodies, for:

- Setting the objectives and priorities of its workforce in relation to management of the workforce which serve to optimise performance in an ethical and sustainable way
- Ensuring that these are aligned with those of the organisation (and, where applicable, wider stakeholders)

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- Ensuring effective delivery against identified outcomes through oversight of workforce strategy, policy, programs and practices, and monitoring of related key performance information, and
- Ensuring effectiveness of internal controls to mitigate risk and ensure compliance with statutory responsibilities.”

64. In terms of section 83 of the Act the Authority and the Chief Constable may make arrangements under which the Authority is to provide assistance to the Police Service of Scotland, or the Police Service of Scotland is to provide assistance to the Authority. Such assistance may involve members of the Authority’s staff providing services for the Police Service of Scotland, or constables or police staff providing services for the Authority.

65. General responsibilities towards staff employed by the Authority either directly in support of its functions or those under the direction and control of the Chief Constable are to ensure that:

- personnel policies, practices, and systems comply with employment and equalities legislation, as well as best practice standards of public sector employers;
- the level and structure of staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness (subject to the Scottish Government Pay Policy for Staff Pay Remits);
- the performance of its staff at all levels is satisfactorily appraised and the Authority’s performance measurement systems are reviewed from time to time;
- staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve relevant objectives;
- proper consultation with staff takes place on key issues affecting them;
- adequate grievance and disciplinary procedures are in place;
- whistle-blowing procedures consistent with the Public Interest Disclosure Act 1998 are in place; and
- an appropriate code of conduct for staff is in place based on the Model Code for Staff of Executive NDPBs.

## Equality

66. The Authority is covered by the public sector equality duty, as set out in sections 149–157 and schedules 18 and 19 of the Equality Act 2010. The public sector equality duty requires equality to be considered in all the functions of public authorities, including decision-making, in the design of internal and external policies and in the delivery of services, and for these issues to be kept under review. Every 2 years, the Authority must report on mainstreaming the equality duty; publish equality outcomes or report progress; publish employee information and publish pay gap information.

## **Pay and Conditions of Service**

### **Authority / Police Staff**

67. The Authority shall submit to the Scottish Government for approval (normally annually unless a multi-year deal has been agreed) a pay remit covering all staff employed by the Authority (including police support staff) in line with the Scottish Government Pay Policy for Staff Pay Remits and negotiate a pay settlement within the terms of the approved remit. Payment of salaries should also comply with the Tax Planning and Tax Avoidance section of the SPFM. Proposals on non-salary rewards must comply with the guidance in the Non-Salary Rewards section of the SPFM. The Authority shall comply with employment and equalities legislation. The terms and conditions of the Chief Executive are subject to a separate approval exercise in line with the Scottish Government Pay Policy for Senior Appointments.

### **Police Officers**

68. The Police Negotiating Board (PNB) provides the negotiating machinery for the pay and conditions of service for police officers in Scotland. The PNB's role is to seek agreement of the Board to changes in officers' pay and conditions and to make recommendations to Scottish Ministers. Ministers will then decide whether to accept the recommendation (agreement) and enact it in law through police regulations made under Section 48 of the 2012 Act.

69. Negotiation takes place between two Sides with an independent Chair. The Official Side comprises the Scottish Government, the Authority and the Chief Constable, and a Staff Side of the three staff associations representing the ranks (Scottish Police Federation, Association of Scottish Police Superintendents and Scottish Chief Police Officers Staff Association).

70. The PNB is set out under UK legislation and up until September 2014 covered the negotiation of pay and conditions for all UK police forces. The PNB remains the negotiating body in Scotland but a Scottish Police Negotiating Board is due to be established. In England and Wales, the Police Remuneration Review Body (PRRB) now recommends changes to pay and conditions to the Home Secretary.

### **Pensions, Redundancy and Compensation**

71. Police officers shall normally be eligible for a pension provided by the Police Pension Schemes – the Police Pension 1987 (PPS), which closed to new Members from 5 April 2006; the New Police Pension Scheme 2006 (NPPS), which closed to new members on 5 April 2015; or the Police Pension Scheme (Scotland) 2015 (the 2015 Scheme), into which all officers appointed from and including 6 April 2015 are automatically entered. The Authority employees are eligible for membership of the Local Government Pension Scheme (LGPS).

72 The 2015 Scheme and LGPS will represent the Authority's qualifying scheme for the purposes of Auto Enrolment. The police officer pension schemes are administered by the Scottish Public Pensions Agency (SPPA). The 2015 Scheme governance structures are the Scottish Police Pension board, responsible for assisting the SPPA with the operational management of the scheme, and the Scottish Police Pension Scheme Advisory Board, which provides advice to Scottish Ministers on the desirability of changes to scheme design and the implication of other policy issues.

73. Any proposal by the Authority to move from existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the Scottish Government. Proposals on compensation payments must comply with the Settlement Agreements, Severance, Early Retirement and Redundancy Terms section of the SPFM. This includes referral to the Scottish Government of any proposed severance scheme (for example, Voluntary Redundancy/Voluntary Early Retirement Scheme )and any proposed exit outside the parameters of an agreed scheme, any settlement agreement being considered for an individual, or proposal to make any other compensation payment. A business case should be provided to the Scottish Government, and the Accountable Officer must be satisfied that any non-contractual payment represents value for money and is defensible. In all instances the Authority should engage with the Scottish Government prior to proceeding with proposed severance options and prior to making any offer either orally or in writing.

### **Asset and Property Management**

74. Property holdings should be kept to the minimum required to meet current and planned needs. The Property: Acquisition, Disposal and Management section of the SPFM sets out how the Authority is to manage, acquire and dispose of property assets. In particular, it sets out the requirement to maintain an accurate and up-to-date record of its current and non-current assets consistent with the [Management of Assets](#) section of the SPFM. Information on the Authority's property holdings should be accurately recorded and updated as necessary by the Authority. Plant and equipment assets should be disposed of in accordance with the Guidance: [Disposal of Property](#) section of the SPFM or in accordance with the delegation to the Accountable Officer. The Authority is also subject to the [Scottish Government Asset Management Policy](#). The Accountable Officer has delegated authority for approving routine operational property transactions in accordance with the Authority's own internal procedures and approved budget. However, where the Authority has a requirement for accommodation to provide regional or national service coverage, or where a transaction is considered to be novel or contentious Ministerial consent is required. Further guidance is given in the SPFM –

<https://www.gov.scot/publications/scottish-public-finance-manual/property-acquisition-disposal-and-management/appendix-specific-exceptions-to-scope/>

75. The Scottish Government's Property Division should be notified of relevant proposed disposals of property that the Authority has declared surplus at the earliest

opportunity and at least 1 month prior to them being advertised on the open market so that they can be advertised internally (through a trawl process).

## **Specific Financial Provisions**

### **Delegated Authorities**

76. The Authority's specific delegated financial authorities – as agreed in consultation between the Authority and the Scottish Government - are set out in the attached **Appendix A**. Subject to any restrictions imposed by statute, Scottish Ministers, and this Framework Document, the Authority shall have authority to incur expenditure/consume resources without further reference to the Scottish Government, on the following conditions:

- the Authority shall comply with the specific delegations set out in Appendix A. These will be kept under review but shall not be altered without the Scottish Government's prior approval;
- the Authority shall comply with the conditions set out in this framework regarding novel, contentious or repercussive expenditure or which has or could have significant future cost implications;
- the Authority will comply with any relevant guidance in the Scottish Public Finance Manual.

### **Income Generation**

77. The Authority shall seek to optimise income - grant in aid does not qualify as income - from all sources, including from the [European Union](#), and ensure that the Scottish Government is kept informed. Novel or contentious proposals for new sources of income or methods of fundraising must be approved by the Scottish Government. Fees or charges for any services supplied by the Authority shall be determined in accordance with the Fees & Charges section of the SPFM. Charges for services must comply with section 86 and 87 of the Police and Fire Reform (Scotland) Act 2012 and the Scottish Police Authority (Provision of Goods and Services) Order 2013.

81. Gifts, bequests, or donations received by the Authority score as income and should be provided for in the agreed resource DEL and capital DEL budgets, updated as necessary in consultation with the Scottish Government. However, the Authority should be able to demonstrate that expenditure funded by gifts etc. is additional to expenditure normally supported by grant in aid (i.e. Scottish Government core funding) or by trading and other income. Before accepting such gifts etc. the Authority shall consider if there are any associated costs in doing so or any conflicts of interests arising. The Authority shall keep a written record of any such gifts etc. and what happened to them.

## **Financial investments**

78. Unless covered by a specific delegated authority, the Authority shall not make any financial investments without the prior approval of the Scottish Government. That would include equity shares in ventures which further the objectives of the Authority. The Authority shall not invest in any venture of a speculative nature.

## **Borrowing**

79. Borrowing cannot be used to increase the Authority's spending power. All borrowing by the Authority shall be from Scottish Ministers in accordance with guidance in the [Borrowing, Lending & Investment](#) section of the SPFM.

## **Lease Arrangements**

80. Unless covered by a specific delegated authority, the Authority shall not enter into any finance, property or accommodation related lease arrangement of regional or national importance - including the extension of an existing lease or the non-exercise of a tenant's lease break - without the Scottish Government's prior approval. In considering whether to enter / continue such arrangements, the Authority must have regard to its functions under the Act, including the duty relating to securing Best Value, and must be able to provide evidence that solutions from within the existing Government estate have been given proper consideration. Non-property/accommodation related operating leases are subject to a specific delegated authority. The Authority must have capital DEL provision for finance leases and other transactions, which are in substance borrowing.

81. Where properties and all related responsibilities were transferred to the Authority but title remained in the name of Scottish Ministers, the Authority is accountable for those properties and is expected to keep them and any grounds in good order, managing in accordance with the principles of good estate management.

82. Any intention to dispose of a property held in the name of Scottish Ministers must be discussed with the Scottish Government at the earliest opportunity.

83. In addition, where any such property is held on a lease or other agreement, in the name of Scottish Ministers:

- the Authority is responsible for ensuring full compliance with all terms and conditions of the lease or other agreement;
- the Authority will be fully responsible for all the tenant's obligations and liabilities under the lease in relation to the premises including all financial liabilities;
- the Authority will advise the Scottish Government on any matter relating to existing or new leases held in the name of Scottish Ministers without delay. If requested to do so by the Scottish Government, the Authority will authorise

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Scottish Government legal representatives to provide property advice and conveyancing services in respect of such leases (and if required, will undertake to meet payment of fees under the framework for legal services to Scottish Government) subject always to ongoing discussion with the Scottish Government during negotiations and final approval of any lease documentation by the Scottish Government. The Authority may not enter into any lease or other agreement or amendment to such agreement on behalf of the Scottish Ministers;

84. The Scottish Government shall be responsible for storage of original titles, leases, agreements or associated documentation in respect of properties held in the name of Scottish Ministers. The Authority should retain copies of these for its own use. Where any notice is served upon Scottish Ministers in respect of any of these, Scottish Government will advise the Authority of the receipt of such notice at the earliest opportunity. Where any notice is served upon the Authority or any tenant or subtenant, the Authority is to notify Scottish Government Property Division without delay.

### Tax Arrangements

85. Non-standard tax management arrangements should always be regarded as novel and/or contentious and must therefore be approved in advance by the Scottish Government. Relevant guidance is provided in the Tax Planning and Tax Avoidance section of the SPFM. The Authority must comply with all relevant rules on taxation, including VAT. All constables and all individuals who would qualify as employees for tax purposes should be paid through the payroll system with tax deducted at source. It is the responsibility of the Authority to observe VAT legislation and recover input tax where it is entitled to do so. The implications of VAT in relation to procurement and shared services should be considered at an early stage to ensure that financial efficiency is achieved. The Authority must also ensure that it accounts properly for any output tax on sales or disposals.

### Third Party Grants

86. Unless covered by a specific delegated authority, the Authority shall not, without the Scottish Government's prior agreement, provide grant funding to a third party. Such funding would be subject to the guidance in the State Aid section of the SPFM. Guidance on a framework for the control of third party grants is provided as an annex to the Grant & Grant in Aid section of the SPFM.

### Impairments, Provisions and Write-Offs

87. Assets should be recorded on the balance sheet at the appropriate valuation basis in accordance with the FReM. Where an asset - and that includes investments - suffers impairment it is important that the prospective impairment and background is communicated to the Scottish Government at the earliest possible point in the

financial year to determine the implications for the Authority's budget. Similarly any significant movement in existing provisions or the creation of new provisions should be discussed in advance with the Scottish Government. Write-off of bad debt and/or losses scores against the Authority's resource DEL budget classification and is subject to a specific delegated limit.

## **Insurance**

88 The Authority and Police Service of Scotland is subject to the Scottish Government policy of self-insurance. Commercial insurance must however be taken out where there is a legal requirement to do so and may also be taken out in the circumstances described in the Insurance section of the SPFM – where required with the prior approval of the Scottish Government. In the event of uninsured losses being incurred the Scottish Government shall consider, on a case-by-case basis, whether or not it should make any additional resources available to the Authority. The Scottish Government will provide the Authority with a Certificate of Exemption for Employer's Liability Insurance.

## **Procurement and Payment**

89. The Authority's procurement policies shall reflect relevant guidance in the Procurement section of the SPFM and relevant guidance issued by the Scottish Government's Procurement and Commercial Directorate. Procurement should be undertaken by appropriately trained and authorised staff and treated as a key component of achieving the Authority's priorities consistent with the principles of Value for Money, the highest professional standards, and any legal requirements. Unless covered by a specific delegated authority, all external consultancy contracts over the value of £25,000 or any proposal to award a contract without competition (non-competitive action) over the value of £25,000 must be endorsed in advance by the Chief Executive. Further information is given in the Procurement section of the SPFM

90. Any major investment programmes or projects undertaken by the Authority or the Police Service of Scotland shall be subject to the guidance in the Major Investment Projects section of the SPFM. The sponsor unit must be kept informed of progress on such programmes and projects and Ministers must be alerted to any developments that could undermine their viability. ICT investment plans must be reported to the Scottish Government's Office of the Chief Information Officer.

91. The Authority shall pay all matured and properly authorised invoices relating to transactions with suppliers in accordance with the Expenditure and Payments section of the SPFM. The Authority is subject to the Scottish Government target for the payment of invoices within 10 working days of their receipt.

### **Gifts Made, Special Payments and Losses**

92. Unless covered by a specific delegated authority, the Authority shall not, without the Scottish Government's prior approval, make gifts or special payments or write-off of losses. Special payments and losses are subject to the guidance in the Losses and Special Payments section of the SPFM. Gifts by management to staff are subject to the guidance in the Non-Salary Rewards section of the SPFM.

### **Clawback**

93. Where the Authority has financed expenditure on assets by a third party, the Authority shall make appropriate arrangements to ensure that any such assets above an agreed value are not disposed of by the third party without the Authority's prior consent. The Authority shall put in place arrangements sufficient to secure the repayment of its due share of the proceeds – or an appropriate proportion of them if the Authority contributed less than the whole cost of acquisition or improvement. The Authority shall also ensure that if assets financed by the Authority cease to be used by the third party for the intended purpose an appropriate proportion of the value of the asset shall be repaid to the Authority.

### **State Aid**

94. State aid is a European Commission term which refers to forms of public assistance, given to undertakings on a discretionary basis, which has the potential to distort competition and affect trade between Member States of the European Union. Any activity that the Authority undertakes itself, or funds other bodies to undertake, that can be offered on a commercial market for goods and services is subject to state aid rules. A state aid assessment is therefore required prior to disbursing any funding and would be subject to the guidance in the state aid section of the SPFM.

### **Authority Members' Expenses**

95. Remuneration, allowances and expenses paid to Authority Members must comply with the Scottish Government Pay Policy for Senior Appointments and any specific guidance on such matters issued by Scottish Ministers.

**APPENDIX A**

**SPECIFIC DELEGATED FINANCIAL AUTHORITIES**

	<b>Delegated Limit</b>
External business and management consultancies	£100,000
Non-competitive action	£25,000
Operating leases - other than property / accommodation related leases	5 years and £50,000
Gifts	£1,000
Special payments	£1,000
Claims waived or abandoned	£25,000
Write-off of bad debt and/or losses	£25,000
Major investment projects	£5,000,000

**SCOTTISH POLICE AUTHORITY**

**STANDING ORDERS**

**INTRODUCTION**

- 1 The status and constitution of the Scottish Police Authority (the Authority) are set out in schedule 1 to the Police and Fire Reform (Scotland) Act 2012 (the Act). Paragraph 10 of the schedule empowers the Authority to regulate its own procedure and that of its committees and sub-committees. These Standing Orders are accordingly made.
- 2 The Authority consists of up to 15 members. Schedule 1 to the Act provides that the Scottish Ministers will appoint the chairing member and between 10 and 14 other members of the Authority. The members may elect from their number a member to act as deputy to the chairing member.
- 3 The Authority members are expected at all times to act in accordance with the principles set out in the Code of Conduct. The key principles which inform the Code are: duty; selflessness; integrity; objectivity; accountability and stewardship; openness; honesty; leadership and respect.

## **INTERPRETATION**

- 4 Throughout these Standing Orders, the following terms have the meaning set against them:

Term	Meaning
Act	The Police and Fire Reform (Scotland) Act 2012
Board	The members of the Authority appointed by the Scottish Ministers in terms of the Act
Chair/Chair of the Board	The chairing member appointed by the Scottish Ministers under paragraph 2(1) of the Schedule
Chief Executive	The Chief Executive employed by the Authority or any person appointed or authorised by the Authority to perform the functions of the Chief Executive
Code of Conduct	The Code of Conduct for members of the Authority developed in accordance with the Ethical Standards in Public Life Etc. (Scotland) Act 2000
Committee	A committee of the Authority established by the Board under paragraph 9(1) of the schedule
Days	Calendar days, except where stated otherwise
Member	A member of the Authority appointed by the Scottish Ministers under paragraph 2(1)(b) of the Schedule
Schedule	Schedule 1 to the Act
Sub-Committee	A sub-committee established by a committee under paragraph 9(2) of the schedule
Vice Chair	The deputy to the chairing member elected under paragraph 2(4) of the schedule
Website	The website of the Authority at <a href="http://www.spa.police.uk">www.spa.police.uk</a>

**ORDINARY MEETINGS**

- 5 Prior to the beginning of each calendar year, a provisional schedule of ordinary meetings of the Board, its Committees and any Sub-Committees for that calendar year shall be approved by the Board and published on the website.
- 6 Committees and Sub-Committees will establish co-ordinated and proactive forward looking work plans for the year, agreed by the Board, and which distinguish between standing, cyclical and ad-hoc items.
7. The Chair or, in her/his absence, the Vice Chair, may alter the time and/or place of any particular Board meeting and may convene such additional meetings as may be deemed necessary for the due fulfilment of Authority functions.
8. The chair of a Committee or Sub-Committee or, in her/his absence another Member of the Committee or Sub-Committee may alter the time and/or place of any particular Committee or Sub-Committee and may convene such additional meetings as may be deemed necessary for the due fulfilment of the Authority functions delegated to that Committee or Sub-Committee.

**SPECIAL MEETINGS**

- 9 Where there is business that is urgent and cannot await the next ordinary meeting of the Board, or of a Committee or Sub-Committee, a special meeting may be called by the chair of the Board or of that Committee or Sub-Committee, or as a result of a written request made to the chair of the Board or of that Committee or Sub-Committee, signed by a majority of Members of the Board or Committee or Sub-Committee, as appropriate, specifying the nature of the business that they wish to discuss at such a meeting.
- 10 Notice of a special meetings shall be given in the same way as notice for ordinary meetings unless the chair of the meeting determines that the nature of the urgency requires the meeting to be held at shorter notice than otherwise required in these Standing Orders.
- 11 Where it is not practicable to convene a special meeting in a public venue or by video/teleconference, then the matter may be dealt with by correspondence. In these circumstances, relevant papers setting out the

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matter for decision will be provided to Members by email or by post. The papers will be of a standard expected for submission to a formal meeting and will set a deadline for submission of Members' views. The matter will be decided in accordance with the consensus of responses received by the deadline, subject to responses being received from a quorum of the Board, Committee or Sub-Committee, as appropriate. In the event that it is not possible to reach consensus then the matter will be brought to the next meeting of the Board, Committee or Sub-Committee, as appropriate.

### **EXCEPTIONAL CIRCUMSTANCES**

- 12 In exceptional circumstances where there is urgent business of the Board or a Committee or Sub-Committee and it is not practicable for an ordinary meeting or a special meeting to be convened the Exceptional Circumstances Committee may deal with the urgent business.

### **CHAIR**

- 13 The Chair will, if present, chair all meetings of the Board. In the absence of the Chair, the Vice Chair will preside. In the absence of both the Chair and Vice Chair, the Members present will choose one of their number to preside by a majority vote of those present. Any power or duty assigned to the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. The procedure for Committees and Sub-Committees shall be contained in their Terms of Reference
- 14 Business at meetings shall be conducted through the chair of that meeting who will ensure that all members and invited attendees receive sufficient opportunity to express their views on matters under discussion. The Chair shall promote a culture of openness and debate by facilitating effective contribution, including constructive challenge.

### **ATTENDANCE AT BOARD MEETINGS**

- 15 In circumstances where the meeting is held in a public venue participation will normally be in person but, with the agreement of the Chair, individual Members may participate by telephone, conference call, or video-conference. In such circumstances, the Member(s) would be deemed to be present and to constitute part of the quorum for the purposes of that meeting. In all circumstances, the Chair will have the final authority and consent will be dependent on the availability of appropriate technology at the meeting location.

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- 16 If a Member, without reasonable excuse or leave of the Chair, has been absent from meetings of the Board for a period longer than 4 consecutive months or for 3 consecutive meetings of the Board, the Chair will advise the relevant Minister.

### **QUORUM**

- 17 The quorum for Board meetings shall be a majority of current Members. No formal business shall be transacted at any meeting of the Board unless a quorum is present. A quorum must exist throughout the meeting. If, at any stage during the meeting, a quorum is not present the meeting shall stand adjourned until a date and time the Chair determines.
- 18 The quorum of any Committee or Sub-Committee shall be contained within its Terms of Reference.

### **ATTENDANCE OF THE PUBLIC AND PRESS**

- 19 All meetings of the Board, its Committees and Sub-Committees are open to be observed by members of the public and media and will be held in a public venue or by way of video/teleconference, with the exception of meetings or parts of meetings where business is to be conducted in private.
- 20 Circumstances in which meetings may be held in private include where:
- a) information relating to identified or identifiable individuals (including members of staff) could be disclosed where there is a risk of a breach of data protection legislation.
  - b) public discussion of the information may prejudice any police operation or the prosecution of offenders.
  - c) disclosure of information could prejudice national security.
  - d) matters to be discussed are the subject of legal proceedings (including misconduct or disciplinary proceedings) or where the information to be discussed consists of or includes legal advice provided to the Authority or to a third party.
  - e) an obligation of confidentiality exists in respect of the information to be discussed.
  - f) confidential commercial or financial information not already in the public domain could be disclosed.

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- g) proposals for significant organisational change, significant changes to the terms and conditions of staff or other sensitive matters are being considered.
  - h) discussion in public would be likely to inhibit the free and frank provision of advice or the free and frank exchange of views for the purpose of deliberation.
  - i) other, exceptional circumstances exist that would justify considering the matter in private, such circumstances to be agreed by the Board and included in the minute of the meeting.
- 21 In relation to meetings the chair of that meeting shall make a preliminary assessment of items that are likely to be considered in private for the purpose of issuing the agenda and determining those papers which require to be published in advance of the meeting. Parties presenting an item which they are of the view should be considered in private should make representations to the chair of the meeting setting out their reasons for reaching that view, in order that the chair may have regard to this when making his/her preliminary assessment. Reasons for considering items in private will be noted on the agenda and recorded in the minute of the meeting. The Members at the meeting will have the final decision in relation to which items are be considered in private.
- 22 If all or part of a meeting is to be held in private, any members of the public or media then present will be asked to leave the meeting.
- 23 A member of the public or media who disrupts the business of the meeting may be asked to leave the meeting after due warning has been given. Re-admission to that or other public meetings held by the Board, Committee or Sub-Committee shall be at the discretion of the chair of the meeting.

### **MEETING ATTENDEES**

- 24 The Chief Executive has a standing invitation to attend meetings of the Board, Committees and Sub-Committees. Authority staff may also be required to attend meetings to provide advice.
- 25 The chief constable or his/her representative may be required to attend meetings of the Board, Committees and Sub-Committees to provide such reports, statistics or other information relating to the

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Police Service, police functions or the state of crime as the Authority may reasonably require, in accordance with section 84(3) of the Act.

- 26 The chair of the Board, Committees or Sub-Committees may invite individuals, bodies or organisations to attend meetings, provide information and/or to make representations to it about particular issues. The Board, Committees and Sub-committees may also invite individuals, bodies or organisations to provide it with written submissions for consideration in advance of meetings. The Board, Committee or Sub-Committee may, from time to time, agree upon and publish a process for seeking input and/or information (including the format and timescales for this input or information to be provided) from interested and/or affected parties in advance of it considering particular issues at a meeting.

### **NOTICE OF MEETINGS**

- 27 Notice of ordinary meetings will be advertised on the Website. The notice will be advertised at least 7 calendar days before the meeting and shall include the date, time, venue and items of business to be considered at the meeting.

### **AGENDA FOR MEETINGS AND ORDER OF BUSINESS**

- 28 The agenda for a meeting shall be agreed by the chair of the Board, Committee or Sub-Committee at least 21 days in advance of the meeting. In doing so, the respective chairs shall endeavour to ensure that adequate time will be available for discussion of all agenda items, particularly strategic issues.
- 29 The agenda will be circulated to Members by electronic means at least 7 days prior to the meeting, and will be published on the website subject to Standing Order 21. If requested, paper copies can be made available.
- 30 The business of the Board, Committee or Sub-Committee, at all meetings will proceed in accordance with the agenda issued for that meeting unless otherwise directed by the chair of that meeting. No business other than that on the agenda will be considered except where, by reason of special circumstances which shall be recorded in the minute, the chair is of the opinion that the item should be considered at the meeting.

### **GIVING NOTICE OF A MATTER TO BE CONSIDERED**

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- 31 Any Member(s) of the Board, Committee or Sub-Committee, may ask for an item to be placed on the agenda of a meeting of the Board or that Committee or Sub-Committee. This to be done at least 21 days in advance of the meeting. The chair of the meeting will consider the request, taking advice from the Chief Executive and appropriate Authority officers as appropriate. If the chair decides not to include the item on the agenda, the Member will be advised and the Board or relevant Committee or Sub-Committee informed during the chair's opening remarks.
- 32 The agenda for special meetings will be confined to the business necessitating the convening of the meeting.

### PAPERS FOR MEETINGS

- 33 The Authority officer supporting the Board, Committee or Sub-Committee will provide papers for all agenda items at a meeting unless it has been agreed in advance with the chair of the meeting that an oral presentation may be made.
- 34 Final papers for meetings must be submitted to the officer supporting the Board, Committee or Sub-Committee 10 days prior to the meeting and must be of a high standard. Any request for further information or reports made by the chair of the meeting must be adhered to.
- 35 Papers will be delivered to Members by electronic means at least 7 days prior to the meeting. If requested, paper copies can be made available.
- 36 For meetings or parts of meetings open to the public, papers will be posted on the website at least 3 days prior to the meeting subject to Standing Order 21.
- 37 If papers are not of the standard required for the meeting or are unavailable for dispatch 7 days prior to the meeting, the officer supporting the Board, Committee or Sub-Committee may, after consultation with the chair of the meeting and the Chief Executive or appropriate officer, make a late posting, or table the (revised) paper(s) at the meeting, or withdraw the item(s) from the agenda of the meeting.

### CONDUCT AT MEETINGS

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38 The chair is responsible for:

- maintaining order and good conduct at meetings;
- ensuring that business is conducted appropriately;
- ensuring that all members are given a reasonable opportunity to express their views on matters under discussion; and
- dealing with any question of order raised at a meeting.

39 All members and invited attendees shall respect and, if necessary, defer to the authority of the chair. Members are accountable for their own individual conduct in meetings in terms of the Code of Conduct and any associated guidance. The chair may rule on the acceptability of behaviour during the course of the meeting and take appropriate action as necessary, including withdrawal of a remark, requiring an apology, or any other action required to allow the meeting to properly proceed. If any member or invited attendee at a meeting continues to behave offensively or is unco-operative, a proposal may be made to suspend that person for the rest of the meeting and if that proposal is supported by the majority of Members in attendance that person must immediately leave the meeting.

### ADJOURNING MEETINGS

40 Meetings may be adjourned for a reasonable time if the chair determines so, or a majority of Members present are in favour of an adjournment.

### VOTING

41 Where there is an agenda item requiring a decision by the Board, Committee or Sub-Committee the chair will seek the views of Members and, wherever possible, reach a consensus. If a consensus cannot be reached or if the chair views the matter as sufficiently important to record the collective view of the Members, a vote will be taken. Decisions will be reached on the basis of a simple majority, the chair having a second and casting vote. Voting shall be by a show of hands and the minute will record the vote. At the discretion of the chair, or in the event of a majority of Members present requesting it, the vote will be taken by roll call.

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- 42 No decision of the Board, a Committee or Sub-Committee may be reconsidered within 6 months of the date of making the previous decision, except where:
- i. required by law;
  - ii. the original decision cannot be implemented due to reasons out with the control of the Authority, or
  - iii. there has been a material change in circumstances.

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**DECLARATIONS OF INTEREST**

- 43 In line with the requirements of the Code of Conduct, individual Members must consider at the earliest stage possible whether they have an interest to declare in relation to any matter that is to be considered. They should consider whether agenda items for meetings raise any issue of declaration of interest. A declaration of interest must be made as soon as practicable at a meeting where that interest arises. If the need for a declaration of interest is identified only when a particular matter is being discussed the Member must declare the interest as soon as they realise it is necessary to do so. The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of the interest but need not give a detailed description of it.
- 44 Declaring a financial interest has the effect of prohibiting any participation in discussion and voting, and the Member should leave the meeting room until discussion of the particular item is concluded. A declaration of a non-financial interest involves a further exercise of judgement by the Member concerned. They must consider the relationship between the interests that have been declared and the particular matter to be considered and relevant individual circumstances surrounding the particular matter. In the final analysis the objective test is whether, in the particular circumstances of the item of business, and knowing all the relevant facts, a member of the public, acting reasonably, would consider that the Member might be influenced by the interest in their role as a Member of the Authority and that it would therefore be wrong to take part in any discussion or decision-making. If a Member, in conscience, believes that their continued presence would not fall foul of this test, then declaring a non-financial interest need not preclude their involvement in discussion or voting. If they are not confident about whether or not the objective test is

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satisfied, they should play no part in the discussion and should leave the meeting room until discussion of the particular item is concluded.

### **ACTION LOGS**

- 45 A rolling action log will be kept for the Board, and all Committees and Sub-Committees.
- 46 A draft rolling action log will be made available to the meeting chair no later than 5 days after each meeting, and circulated to the action owners.
- 47 The draft rolling action log will be presented to the next ensuing meeting of the Board/Committee/Sub-Committee together with the minutes, for approval

### **MINUTES OF MEETINGS**

- 48 Minutes will be kept of all Board, Committee and Sub-Committee meetings.
- 49 The minute will record Members present, others in attendance, any apologies for absence and Members or others joining or leaving the meeting.
- 50 The minute will also record the essence of the Board/Committee/Sub-Committee's discussion in relation to each agenda item and clear action points arising from the Board/Committee/Sub-Committee's decisions including timelines and responsibility. For ease of reference, minutes will be read in conjunction with the agenda and papers for the meeting which will be referenced where appropriate in the minute.
- 51 Draft minutes will be available to the chair of the Board/Committee/Sub-Committee no later than 14 days after the meeting.
- 52 The minutes of the Board, Committee or Sub-Committee will be presented to the next ensuing meeting of the Board, Committee or Sub-Committee as appropriate, and shall then be approved with or without amendment as a correct record of proceedings.
- 53 Once approved, the minute of the meeting will be signed by the chair of the meeting and retained in the central record of all approved minutes of meetings.

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54 Minutes of meetings of Committees and Sub-Committees may be included on the agenda of Board meetings, even if they have not been approved by the Committee or Sub-Committee.

**COMMITTEES AND SUB-COMMITTEES**

55 The Board may establish committees to:

- assist and advise it in relation to the performance of any of the Authority's functions as may be determined by the Board from time to time; or
- perform such functions as may be delegated from time to time.

56 A Committee shall consist of a chair and such other Members as the Board shall determine.

57 In appointing Members to a Committee, the Board shall have regard to the following principles:

- the membership shall reflect the range of qualifications and experience necessary for the proper and effective performance of the functions of the Committee;
- the Committee overseeing the audit function shall be denoted as a governance rather than a business committee.

58 Committees shall be related to the functions of the Authority. In setting committee terms of reference, the Board will have regard to the following principles:

- the Board may delegate to its Committees such of the Authority's functions as it considers appropriate, subject to such limitations as may be prescribed by the Board and with such terms of reference and powers as it may determine.
- Committees will have defined terms of reference which will be reviewed as necessary but at least every two years.
- care shall be taken to ensure that the terms of reference and working methods of Committees add value to the Board's work and not layers.
- at a minimum, the terms of reference should include the following details:

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- membership and quorum
  - remit
  - extent of decision-making delegated to the committee, if any.
  - Committee members should be mindful of the role of the Executive by not undertaking work appropriate to the Executive.
  - Committee chairs should liaise with the Chief Executive in order to take account of the Executive's capacity to support the committee, in particular if the work they are proposing extends beyond the Authority's priorities or strategic and business plans.
- 59 The Board shall establish a committee to oversee the audit function. That Committee will give an independent view in relation to risk management, governance and internal control. While the committee will consider issues relating to risk management, governance and internal control, the Board will maintain responsibility for and make the final decision on all of these areas.
- 60 Committees may establish Sub-Committees to assist and advise them in undertaking their responsibilities, subject to prior consultation with the Chair.
- 61 Any such Sub-Committee will have its membership and terms of reference determined by the parent committee and may include authority to co-opt members.
- 62 The Chair has a standing invitation to attend meetings of Committees and Sub-Committees. Any other Board Member may attend after consultation with the Committee chair, but will not form part of the Committee.
- 63 All decisions made at Committee or Sub-Committee meetings must be made by Board Members who are members of that Committee or Sub-Committee.
- 64 A summary report will be provided to the Chair by the Committee or Sub-Committee chair after each Committee or Sub-Committee meeting.

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65. An assurance report will be provided to the Chair by the Committee or Sub-Committee chair as part of the Annual Report and Accounts process.
66. Committees and/or Sub-Committees may have joint meetings to discuss matters which falls within each of the Committee or Sub-Committees remit. Each Committee and Sub-Committee at the joint meeting must be quorate. Members of the Committees and/or Sub-Committees present at the meeting will chose one of their number to chair the meeting.

### **WORKING GROUPS AND OVERSIGHT GROUPS**

67. Short life, officer lead working groups and member lead oversight groups may be convened by the Board or a Committee for specific purposes. Such groups will have terms of reference, a clear remit and reporting structure and be time limited.

### **CO-OPTION OF MEMBERS TO COMMITTEES AND SUB-COMMITTEES**

68. Paragraph 9 of the Schedule allows for members of a Committee or Sub-Committee to include persons who are not Members of the Authority, but such persons are not entitled to vote at meetings.
69. Co-opted members are appointed at the discretion of the Committee or Sub-Committee Members. In deciding whether it is appropriate to co-opt a member to the Committee or Sub-Committee consideration must be given by the Members to what expertise is required by the Committee or Sub-Committee to allow it to fulfil its remit, and thereafter agree the specification of the skills and experience being sought through co-option.
70. Upon decision of the Committee or Sub-Committee that co-opted members shall be appointed, nominations for experts having the required skill set shall be invited. Nominations are to be accompanied by a recommendation specifying the nominees competence and a detailed CV to support the expertise required. Nominees for co-opted membership may be invited to present themselves to the Committee or Sub-Committee in advance of the Committee or Sub-Committee making an appointment. The Committee or Sub-Committee chair shall seek approval from the Board for appointment of the co-opted member.

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- 71 The position will be subject to a vetting process which may include both security and disclosure checks.
- 72 Co-option is intended to provide specific skills for a fixed term as determined by the Board, up to a maximum period of 2 years. On ceasing to be a member, a person is eligible for reappointment.
- 73 A co-opted member may terminate their membership by giving one month's written notice to the Committee or Sub-Committee chair.
- 74 Co-opted members will be required to follow the SPA Code of Conduct for Board members, and the associated disclosure requirements, and their appointment may be terminated by the Committee or Sub-Committee chair, subject to the approval of the Board.
- 75 The co-opted member shall attend an induction briefing prior to attending their first Committee or Sub-Committee meeting.
- 76 Travel and any reasonable subsistence expenses incurred while fulfilling the duties of a co-opted member will be reimbursed.

### **PROCEDURE FOR ATTENDANCE AT COMMITTEE AND SUB-COMMITTEE MEETINGS: AUTHORITY MEMBERS**

- 77 If a Member fails to attend 3 consecutive meetings of any committee, or 50% of the meetings in any 2 year period, and has not been given leave by the Committee chair, the chair will advise the Board. The Board may remove the Member from the Committee.

### **CHIEF EXECUTIVE**

- 78 The Chief Executive is the principal advisor to the Board on the discharge of its functions.
- 79 The Chief Executive shall ensure that the work of the Board and its Committees and Sub-Committees is supported by appropriate Authority officers.

### **DISCLOSURE OF INFORMATION**

- 80 Members will be responsible for the safe custody of any papers or documents that may be issued or entrusted to them in the course of their

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duties. The loss of any such documents should be reported immediately to the Chief Executive.

- 81 Members are required to comply with the confidentiality provisions of the Code of Conduct and any other procedures and protocols around the management, retention, processing and disclosure of information as may be issued by the Chief Executive.

### **INTERPRETATION**

- 82 The Chair's ruling on any question relating to the interpretation of these Standing Orders shall be final.

### **REVOCATION AND REVISION OF STANDING ORDERS**

- 83 No Standing Order adopted by the Board shall be suspended at any meeting except on the agreement of a majority of the Members.
- 84 Committees and Sub-Committees have no power to depart from these Standing Orders
- 85 The current Standing Orders shall remain in force until varied or revoked and additional Standing Orders adopted at a meeting of the Board with the agreement of the majority of Members present.
- 86 The Chief Executive may submit to the Board a note of any new Standing Order or alteration of any existing Standing Order which seem to him or her to be required to ensure the effective operation of the Board. Such a proposal shall be considered and decided upon by the Board.
- 87 The Board will undertake a periodic review of Standing Orders to ensure that they remain fit for purpose.

## TERMS OF REFERENCE – AUDIT, RISK AND ASSURANCE COMMITTEE

### PURPOSE AND SCOPE

1. The overall purpose of the Audit Risk and Assurance Committee (the ARAC) is to provide oversight and scrutiny of all significant audit and risk matters concerning the Authority and Police Scotland. The ARAC will seek evidence and provide advice and assurance to the Board that the appropriate levels of internal controls are in place across both Police Scotland and the Authority. In addition, the ARAC will provide advice and assurance to the Accountable Officer and Board on these matters and any other specific items which the Board requests of it in relation to audit, risk management and assurance and the integrity of annual reports and financial statements.
2. Meeting will be used to consider:
  - the strategic processes for risk, control and governance;
  - the accounting policies, the accounts, and the annual report of the organisation, including the process for review of the accounts prior to submission for audit, levels of error identified, and management's letter of representation to the external auditors;
  - the planned activity and results of both internal and external audit;
  - the adequacy of management response to issues identified by audit activity, including external audit's management letter/report;
  - the effectiveness of the internal control environment;
  - assurances relating to the corporate governance requirements for the organisation;
  - proposals for tendering for internal audit services or for purchase of non-audit services from contractors who provide audit services; and
  - anti-fraud policies, whistle-blowing processes, and arrangements for special investigations;
  - such other matters as required by the Board;
  - and to advise the Board and the Accountable Officer on these matters.
3. In addition the ARAC will provide the Board and Accountable Officer with an Annual Report, timed to support finalisation of the accounts and the

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governance statement, summarising its conclusions from the work it has done during the year.

4. The ARAC will also periodically review its own effectiveness and report the results of that review to the Board and Accountable Officer.

### **SPECIALIST ADVICE**

5. The ARAC may procure specialist ad-hoc advice at the expense of the organisation, subject to budgets agreed by the Board or Accountable Officer.

### **MEMBERSHIP AND ATTENDEES**

6. The ARAC will comprise no more than five members including a chair. A minimum of two voting members of the ARAC, including the chair of the ARAC, will be present for the meeting to be deemed quorate;
7. Committee meetings will normally be attended by the Accountable Officer, the Finance Director, the Head of Internal Audit, a representative of External Audit and at least one senior representative of Police Scotland

### **ACCESS**

8. The Head or representative of Internal Audit and the representative of External Audit will have free and confidential access to the chair of the ARAC.

### **MEETINGS**

9. The procedures for meetings are:
  - the ARAC will meet at least four times a year. The chair of the ARAC may convene additional meetings, as he/she deems necessary;
  - the Board or Accountable Officer may ask the ARAC to convene further meetings to discuss particular issues on which they want the committee's advice.

## **TERMS OF REFERENCE - COMPLAINTS AND CONDUCT COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of the Complaints and Conduct Committee is to provide assurance that the Authority has suitable arrangements for the handling of complaints about the SPA, its staff and senior officers of Police Scotland; to monitor the handling of complaints by the Chief Constable; and to perform certain functions and make decisions on behalf of the Authority under the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 ("the 2013 Regulations") or, where applicable, the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999 ("the 1999 Regulations").
2. Meetings will be used to:
  - (i) Consider and approve arrangements, including policies and procedures and guidance, relating to the handling of complaints by the Authority, seeking the views of other stakeholders as necessary.
  - (ii) Consider and determine complaints against the Authority, its staff and senior officers of Police Scotland in accordance with the provisions of the Police Public Order and Criminal Justice (Scotland) Act 2006 and the statutory guidance produced by the Police Investigations and Review Commissioner (PIRC).
  - (iii) Monitor the handling of relevant complaints by the Authority and Police Scotland, seeking information on themes or trends as appropriate, with a view to the Committee satisfying itself that the arrangements maintained by the Authority and Police Scotland for the handling of relevant complaints are suitable.
  - (iv) Conduct preliminary assessments of misconduct allegations against senior officers of Police Scotland under regulation 8 of the 2013 Regulations and, where appropriate, refer these to the PIRC for further assessment and potential investigation.
  - (v) Where the 1999 Regulations apply, implement the preliminary investigation procedure in relation to alleged misconduct of transferred senior officers occurring prior to 1 April 2013.
  - (vi) Refer allegations to the appropriate prosecutor where it can reasonably be inferred that a senior officer of Police Scotland may have committed a criminal offence (under regulation 7 of the 2013

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Regulations or the equivalent provisions in regulation 9 of the 1999 Regulations)

- (vii) Determine, following receipt of an investigator's report, whether misconduct allegations against a senior officer of Police Scotland are to be referred to a misconduct hearing.
- (viii) Determine whether senior officers who are the subject of misconduct or criminal allegations are to be suspended from the office of constable (or subject to such other measures as considered appropriate) and to review suspension decisions within the period specified in the relevant Regulations.
- (ix) Critically examine reports from HMICS, PIRC, and any other information provided by Police Scotland in relation to complaints about the police, and ensure that appropriate improvement plans are implemented or remedial action is taken within agreed timescales.
- (x) Contribute to and consider the findings of official reviews of complaints and conduct matters, and ensure that recommendations from such reviews are implemented as appropriate.
- (xi) Consider such other matters as required by the Board

### MEMBERSHIP

3. The Chair ("the Committee Chair") and no more than three other Board Members. The quorum of the Committee will be 2 Members including the Committee Chair.

### MEETINGS

4. The Committee will hold at least **4** scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business. Additional meetings will be held where necessary in order to ensure efficient and effective complaints handling and to comply with timescales stipulated in legislation.

## **TERMS OF REFERENCE – EXCEPTIONAL CIRCUMSTANCES COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of this committee is:
  - To deal with urgent business of the Board, Committees and Sub-Committees when, in exceptional circumstances, it is not practicable for an ordinary meeting or special meeting of the Board, Committee or Sub-Committee to be convened.
2. Meetings will be used to:
  - Consider and deal with the urgent business when it is necessary for the fulfilment of the Authority's functions. The Committee is authorised to perform all of the Authority's functions when in exceptional circumstances it is not practical for an ordinary meeting or special meeting to be convened.

### MEMBERSHIP

3. The Committee will comprise the Chair of the Authority who will be the Committee Chair and three other Board Members.
4. The quorum of the Committee will be three members including the Committee Chair.
5. In the event that members (including the Chair) appointed to the Committee are unable to participate in a Committee meeting and the Committee is no longer quorate, other members of the Board shall be appointed to the Committee to make the Committee quorate.

### MEETINGS

6. The procedures for the Committee meeting are as follows:
  - (i) The number of meetings will be dependent upon the nature and extent of the Committee's business. Meetings will be held where necessary in matters of urgency at short notice.
  - (ii) Items of business must be submitted with a clear rationale explaining the exceptional circumstances and the urgency that make it necessary for the Committee to deal with the business. The Committee Chair shall determine whether exceptional circumstances requiring urgent business to be dealt with by the Committee exist.
  - (iii) Meetings of the Committee will be held to deal with matters of urgency and the Committee Chair will, on a case by case basis,

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provide details of the procedures to be followed in relation to notice of the meeting, agenda, and circulation of papers.

## **TERMS OF REFERENCE - FORENSIC SERVICES COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of the Forensic Services Committee is to provide oversight, scrutiny and assurance to the Board on the delivery of Forensic Services to the Police Service, Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal as set out in Section 31 of the Police and Fire Reform (Scotland) Act 2012. The committee will provide advice and seek assurance on the delivery of Forensic Services by providing constructive challenge and contributing to planning and future development of Forensic Services. The committee will make recommendations to the Board on Forensic Services related matters.
2. Meetings will be used to:
  - (i) Oversee the development and delivery of the Forensic Service Strategy ensuring alignment to the Strategic Police Priorities, the Strategic Police Plan and the Scottish Government's Strategy for Justice.
  - (ii) Develop and keep under review arrangements set out in the Memorandum of Understanding between the Forensic Service, the Crown Office and Police Scotland and ensure an evolving and developing tripartite partnership continues.
  - (iii) Oversee the implementation of improvement recommendations made in relation to the Forensic Service by scrutiny/inspections bodies or the Authority.
  - (iv) Seek assurance that the Forensic Service has appropriate risk and financial management controls in place, and review quarterly and annual reports produced by Forensic Services in relation to the exercise of its functions, including reports on operational and organisational performance and of progress in the achievement of objectives for onward consideration by the Board. This should include findings from the United Kingdom Accreditation Service (UKAS) to provide continued reassurance about the quality of Forensic Services output.
  - (v) Ensure that the Forensic Service maintains appropriate links with UK and international bodies, for example in relation to research and development.

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- (vi) Ensure that Forensic Services has adequate and appropriate support and resource to enable service to be delivered with ongoing improvement.
- (vii) Seek assurance that the Authority's statutory obligations as a service provider are being appropriately discharged, in particular Authority's duties in relation to the health, safety, wellbeing and equalities.
- (viii) Consider such other matters as required by the Board

### MEMBERSHIP AND ATTENDEES

- 3. Chair ("the Committee Chair") and no more than three other Board Members. The quorum of the Committee will be 2 members including the Committee Chair.
- 4. In addition to the Chair and the Chief Executive, Police Scotland, the Crown Office Procurator Fiscal Service and the Police Investigations and Review Commissioner have a standing invitation to attend meetings and participate in the Committee's discussions.

### MEETINGS

- 5. The Committee will hold at least **4** scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business.

## **TERMS OF REFERENCE – LEGAL COMMITTEE**

### **PURPOSE AND SCOPE**

1. The purpose of this Committee is
  - to provide oversight and scrutiny of the arrangements the Authority and Police Scotland have in place for the handling of legal actions, claims and appeals, and the provision of legal assistance and legal expenses insurance;
  - to authorise, where necessary, settlement of legal actions and claims against the Chief Constable and the Authority ;
  - to determine appeals from police officers and former police officers whose applications for assistance with the payment of legal expenses in relation to civil and criminal proceedings , or in connection with Fatal Accident or Public Inquiries, have been rejected , and to consider and approve the arrangements for granting such assistance;
  - to appoint a panel from its members to hear appeals against dismissal, from Authority and Police Scotland staff, in relation to disciplinary, and capability (attendance and performance) matters;
  - to determine applications from police officers for ill health retirement and Injury on Duty awards;
  - to make decisions on pension forfeiture, applying underpayments to injury on duty awards and granting retrospective injury on duty awards.
  - to provide instructions to Authority solicitors where required.
2. Meetings will be used to:
  - (i) Consider and approve settlement of civil legal actions and claims (including claims raised in the Employment Tribunal) against the Authority and/or the Chief Constable within the financial authorisations contained within the Authority’s Governance Framework.
  - (ii) Consider and provide instructions on legal matters, including agreements and memoranda of understanding, and civil legal actions and claims, involving matters which may be considered novel or contentious, include ethical or substantial reputational issues, or are of significant public interest;

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- (iii) Consider and approve, as appropriate, the arrangements for dealing with applications by police officers and former police officers for legal assistance in respect of unlawful acts committed in the execution of their duties, including any changes to the SHHD Circular18/1978;
- (iv) Consider, approve and provide instruction on, as appropriate, the arrangements for, and any issues arising from, the provision of legal expenses insurance.
- (v) Determine appeals from police officers and former police officers for legal assistance in relation to (a) criminal and civil proceedings raised against the officer in respect of alleged unlawful acts committed in the execution of their duties, and (b) for Fatal Accident and Public Inquiries in which possible allegations of irregularities in police procedure or conduct may result, where applications for legal assistance have been rejected by the Chief Constable;
- (vi) To appoint 3 of its members to hear and determine appeals against dismissal, from Authority and Police Scotland staff in accordance with the Disciplinary, and the Capability (Attendance and Performance), Standard Operating Procedures;
- (vii) Determine applications from police officers for ill health retirement and injury on duty awards;
- (viii) Make decisions in relation to:
  - pension forfeiture in accordance with the relevant regulations;
  - the application of underpayments to injury on duty awards to recover sums overpaid to former police officers in receipt of injury on duty awards;
  - granting retrospective injury on duty awards to former police officers; and
  - to seek the agreement of the Scottish Public Pensions Agency to those decisions;
- (ix) Monitor the handling of legal actions, claims and appeals within the remit of this Committee, seek information on themes and trends as appropriate, and review the arrangements in place for the handling of these matters; and
- (x) Consider such other matters as required by the Board.

**MEMBERSHIP AND ATTENDEES**

3. The Committee will comprise the Chair ("the Committee Chair") and no more than three other Board Members.
4. The quorum of the Committee will be three Members including the Committee Chair.

**MEETINGS**

5. The Committee will hold at least 4 scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business. Additional meetings will be held where necessary, and in matters of urgency at short notice in order to ensure efficient and effective delivery of instructions to Authority solicitors and consideration of proposed legal settlements.

## **PEOPLE COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight, scrutiny and assurance to the Board on all significant workforce matters relating to the Authority/Police Scotland, including providing advice, guidance and support on the development and implementation of workforce strategy and policy. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the SPA Board requests of it.
2. The Committee will seek assurance of continuous improvement in the efficient and effective use of workforce resources in accordance with the principles of Best Value; and that ethical and legal obligations to the workforce, including those related to health & safety and equality, are being met, serving to ensure the highest possible standard of people management. This will include seeking evidence of an organisational culture which values diversity, ensuring that equality considerations are mainstreamed into workforce strategies, policies and plans, serving to attract, develop and retain a workforce which is representative of the communities which the Authority/Police Scotland serves.
3. Meetings will be used to:
  - (i) Contribute to, review and endorse workforce strategies, policies and plans, making recommendations to the Board as appropriate, ensuring a comprehensive, strategic approach to people management, aligned with wider organisational strategy, and seek evidence of resulting delivery against identified outcomes which serve to optimise performance in an ethical and sustainable way.
  - (ii) Consider, in conjunction with the Resources Committee where appropriate, and recommend to the Board for approval, proposed changes to staff terms and conditions; discuss, as appropriate, working practices/ people management issues highlighted to the Committee by the Authority/Police Scotland representatives on the Official Side of the Police Negotiating Board; and recommend an Authority position to the Board in relation to changes to police officer Regulations and Determinations which are being consulted on via the Scottish Police Consultative Forum.
  - (iii) Seek assurance, in conjunction with the Resources Committee, that workforce planning is effectively integrated with strategic and financial planning processes, providing a cohesive approach to

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planning organisational capacity and skills in support of corporate objectives and serving to develop a diverse and sustainable Authority/Police Scotland workforce.

- (iv) Seek assurance as to the effective attraction, retention and management of talent; that leadership development needs are kept under review; and consider and monitor the implementation of effective succession planning arrangements, with a view to ensuring the continued ability of the Authority/Police Scotland to respond to the challenges and opportunities facing them.
- (v) Determine the optimum process and implement arrangements for appointment to the ranks of Chief Constable, Deputy Chief Constable and Assistant Chief Constable and to Director level roles within the Authority/Police Scotland (including temporary appointments), providing assurance to the Board in relation to those arrangements. The final decision on appointment will rest with the Board.
- (vi) Seek assurance that workforce performance is effectively managed and developed to achieve organisational goals. In collaboration with the Chair of the Board, exercise oversight of the objectives set for the Chief Constable, the Authority Chief Executive, and Director of Forensic Services, and review the arrangements for their performance appraisal; and exercise oversight of performance appraisals completed in respect of other members of the SPA/Police Scotland executive.
- (vii) Seek assurance that effective, regular and consistent approaches to workforce engagement and involvement are in place (including structures, systems and processes for consultation and negotiation with statutory staff associations and trade unions); and seek evidence which demonstrates that the contribution and wellbeing of the workforce is valued and recognised.
- (viii) Seek assurance on the capacity and capability of the People & Development function, including staff, systems and processes.
- (ix) Seek to ensure effective delivery against identified outcomes through determination of standards in relation to the fair and effective management of the workforce; and overseeing implementation of robust monitoring arrangements.
- (x) Review the adequacy of controls in place to mitigate risks identified through the strategic risk register pertinent to the business of the Committee.

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- (xi) Provide workforce governance information for the statement of internal control.
- (xii) Consider such other matters as required by the Board.

**MEMBERSHIP AND ATTENDEES**

- 4. The Committee will comprise the Chair ("the Committee Chair") and no more than three other Board Members.
- 5. The quorum for the Committee will be three Members including the Chair.
- 6. 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 Director level police staff.
- 7. A single representative will be invited from each of the following bodies: Associations of Scottish Police Superintendents, Scottish Police Federation, Unison and Unite (acting in an ex officio capacity), to attend Committee meetings.

**MEETINGS**

- 8. The Committee will hold at least 4 scheduled meetings per year, although the precise number of meetings will be dependent upon 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.

## **TERMS OF REFERENCE – POLICING PERFORMANCE COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight and scrutiny of continuous improvement in policing. It will do this through scrutinising policing performance against agreed strategies, plans and statutory requirements. The Committee will seek to continuously improve the way in which policing performance is measured and reported. The Committee will also consider any proposed changes to operational policing which may have particular public interest, ethical or human rights implications. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the Chair, Board or Chief Executive requests of it, including in relation to public-facing service delivery aspects of policing.
2. Meetings will be used to:
  - (i) Oversee the development and improvement of the policing performance framework, ensuring that it is aligned with the policing strategy, annual police plans and statutory requirements including the policing principles and ethical standards; that it applies best practice in measuring and reporting the achievement of outcomes; that it is based on robust and meaningful data; and that it considers the views of stakeholders.
  - (ii) Review the performance of policing using the performance framework, and in particular review quarterly performance reports in advance of their consideration at the Board.
  - (iii) Review progress in relation to the implementation of performance improvement activities where these arise from recommendations contained in inspection and/or audit reports.
  - (iv) Examine the performance analysis and overview section of the Authority's Annual Report and Accounts, in order to provide assurance to the Board that it contains an appraisal of performance of the Authority and Police Scotland in working towards the objectives within the Strategic Police Plan, the arrangements in the Annual Police Plan, statutory requirements including the policing principles, and ethical standards.
  - (v) Consider significant proposed changes, in consultation with the Chair or at the request of the Board, to operational policing and ensure that the associated risks and opportunities have been fully

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assessed, that the views of relevant stakeholders have been considered, and that the impact on communities and protected characteristic groups as defined in the Equality Act 2010 have been properly taken into account.

- (vi) In carrying out its functions, consider relevant data and research available in relation to policing which would assist in benchmarking Police Scotland's performance against appropriate comparators across the UK and internationally.
- (vii) Ensure reporting on the arrangements for, and feedback on custody from, the volunteers within the Independent Custody Visiting in Scotland (ICVS) scheme is carried out publicly at least twice per year, including publication of the Authority's annual review of ICVS.
- (viii) Consider such other matters as required by the Board

### MEMBERSHIP

- 3. The Committee will comprise the chair ("Committee Chair") and no more than three other Board Members.
- 4. The quorum for the Committee will be two Members including the Committee Chair.

### MEETINGS

- 5. The Committee will hold at least 4 scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business.

## **TERMS OF REFERENCE - RESOURCES COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight, scrutiny and assurance to the Board on all significant financial and budgetary resourcing matters, including strategic financial planning and budget setting in the short medium and long term, investment decisions based on review of business cases, performance against the agreed budget, delivery of the expected investment benefits and assurance on financial regulatory compliance and stewardship. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the SPA Board requests of it in relation to financial sustainability and other resourcing aspects of Police Scotland and the SPA.
2. The Committee will seek to ensure that continuous improvement is embedded within financial planning and the management and delivery of benefits through investment made in the change portfolio. The Committee will oversee the management and development of processes and procedures in line with Best Value principles.
3. Meetings will be used to:
  - (i) Review SPA/Police Scotland input to the Government Spending Reviews and make recommendations to the Board.
  - (ii) Review the annual budget proposals for revenue, capital and reform, assessing the underlying assumptions and make recommendations to the Board.
  - (iii) Recommend to the Board any budget changes resulting from factors out with the budget planning process during the financial year in accordance with the limits set out in the scheme of delegation.
  - (iv) Assess strategies which have resource implications with a view to making recommendations to the Board.
    - (i) Scrutinise the rolling capital investment plan ensuring prioritisation of spend is aligned to the outcomes set out on the Strategic Police Plan and equivalent SPA Corporate and Forensic Services Strategies and monitor progress of the agreed programme of property disposals and acquisitions.
    - (ii) Review the budgetary implications of public sector pay policy submissions and proposals and make recommendations to the Board as appropriate.

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- (iii) Seek assurance that Police Scotland and SPA are developing financially sustainable organisational plans with appropriate financial strategies and plans to deliver the outcomes set out in the Strategic Police Plan.
- (iv) Seek assurance on the capacity and capability of the finance, procurement, estates, fleet, DDICT and change functions, including staff, systems and processes including an annual review of the SPA/Police Scotland Financial Regulations.
- (v) Review resourcing implications, opportunities and risks associated with business cases, contracts, lease agreements, operational plans, borrowing, sponsorship, special payments, write-off losses and the acquisition and disposal of land and property with a financial value above the delegated limits set out in the scheme of delegation, making recommendations to the Board as appropriate.
- (vi) Provide comment on initial business cases and assess final business cases and implementation plans with a view to making recommendations to the Board.
- (vii) Assess and monitor the effectiveness of finance charging and contracting policies with a view to making recommendations to the Board.
- (viii) Routinely monitor financial performance including the delivery of the approved budget, saving and efficiency plans and income projections.
- (ix) Routinely monitor the delivery of financial and non financial benefits described in the approved business cases and oversee the change control process for cost and benefit variances in approved business cases.
- (x) Review the annual financial outturn, and end-year financial statements, and assess their impact on financial and other resourcing plans.
- (xi) Seek assurance on compliance with the Scottish Public Finance Manual and other financial and procurement policies and regulations.
- (xii) Consider such other matters as required by the Board.

### MEMBERSHIP

4. The Committee will comprise the chair ("the Committee Chair") and no more than three other Board Members.

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5. The quorum for the Committee will be two Members including the Chair

MEETINGS

6. The Committee will hold at least 4 scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business.

**MATTERS RESERVED FOR THE BOARD**

**Strategy and Planning**

<b>Item</b>	<b>Consult</b>	<b>Inform</b>	<b>Approve</b>
Strategic Police Plan*			<b>X</b> (recommend to SG)
Annual Police Plan*	<b>X</b>		
Local police plans* (form and manner of publication only)	<b>X</b>		<b>X</b>
SPA/Forensic Annual Business Plan			<b>X</b>
SPA Risk Framework			<b>X</b>
Internal Audit Plan			<b>X</b>
Strategic Performance Framework for Policing			<b>X</b>
Organisational /Transformational Change Proposals			<b>X</b>
Implementation Plan			<b>X</b>

\*Legislative requirement

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**Policy / Other Business**

<b>Item</b>	<b>Consult</b>	<b>Inform</b>	<b>Approve</b>
External communication relating to policy and strategy	<b>X</b>		
Appointment of the Chief Constable (including temporary appointment of)			<b>X</b> (recommend to SG)
Appointment of (including temporary appointment of) ACCs, DCCs and Senior Director level staff			<b>X</b>
Authority's Scheme of Delegation			<b>X</b>
Police Scotland Internal Scheme of Delegation			<b>X</b> (subject to recommendation by Accountable Officer)
Terms and Conditions of Staff			<b>X</b>
Appointment of panels for senior officer misconduct hearings and appeals			<b>x</b>
Annual Revenue & Capital budget proposals			<b>X</b>
In-year budget changes			<b>X</b>
Government Spending Review input			<b>X</b>
Annual Report & Accounts			<b>X</b>
Public Sector Pay Policy submissions			<b>X</b>
Staff and Officer Pay Proposals			<b>X</b>
Police Scotland & Authority policies for People			<b>X</b>
National and local police strategies, policies and initiatives		<b>X</b>	

## SCOTTISH POLICE AUTHORITY

### SCHEME OF DELEGATION

#### 1. Introduction

- 1.1 The Authority must ensure it carries out its statutory functions and delivers its priorities as agreed with the Scottish Ministers and as set out in the Police and Fire Reform (Scotland) Act 2012 ('the Act')
- 1.2 In terms of paragraph 12 of schedule 1 to the Act, the Authority may authorise any of its committees or any member of the Authority's staff to perform on behalf of the Authority such of its functions as it may determine, to the extent so authorised.
- 1.3 The Scottish Public Finance Manual, specifically the Memorandum to Accountable Officers for Other Public Bodies, sets out the responsibilities of the Accountable Officer. The Accountable Officer has personal responsibility for the propriety and regularity of the public finances for the body for which they are answerable and must ensure that the resources of the body are used economically, efficiently and effectively. This role is undertaken by the Chief Executive of the Authority.
- 1.4 This Scheme of Delegation ('this Scheme') details the functions which the Authority has delegated to its Director of Forensic Services and Chief Executive to perform, and the extent of that delegation.
- 1.5 Material amendments to this Scheme will be reviewed by the Authority as they arise.
- 1.6 A glossary of terms are included at page 17/18.

#### 2. General principles of this Scheme

- 2.1 All delegated decision-making (including decisions made under sub-delegation provisions) must take into account any relevant guidance issued by the Scottish Government and all governance guidelines

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approved by the Authority. In particular, decision-making must take full account of the following:

### Internal sources

- a) the Governance and Accountability Framework Document of the Scottish Police Authority, drawn up by Scottish Government in consultation with the Authority ("the Governance and Accountability Framework");
- b) all relevant legal provisions and the Authority's policies and procedures;
- c) the Authority's Financial Regulations;
- d) the Authority's procedures and Standing Orders relating to procurement and contracts (Police Scotland document);
- e) the Authority's code of conduct for staff and
- f) the Terms of Reference for the Authority's Committees

### External sources

- a) the Scottish Public Finance Manual ("SPFM");
- b) the Scottish Government's Memorandum to Accountable Officers of Public Bodies ("the Memorandum");
- c) the annual Budget Allocation and Monitoring Letter issued to the Authority by the Scottish Government;

2.2 In the event of any question or dispute as to whether a decision taken, or proposed to be taken, is consistent with this Scheme, the matter will be determined by the Board of the Authority in consultation with the Chief Executive.

2.3 Before exercising delegated powers under this Scheme, the Chief Executive must, wherever practicable, consult with the Chair where the exercise of the powers would, or would be likely to :

- a) have a significant or adverse effect on financial, reputational or operational risk;
- b) have an impact on service delivery and/or the performance of the Authority or Police Scotland's functions;
- c) have an impact on the strategic police plan; or

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- d) be outside the scope of the grant in aid budget relating to police services.
- 2.4 The Chief Executive must as soon as practicable (and no later than the next scheduled meeting of the Board) report to Members any action taken following consultation with the Chair in connection with paragraph 2.3.
- 2.5 In the event that the Chief Executive is unable for any reason to exercise powers specifically delegated to them under this Scheme, the Chief Executive's nominated Deputy Chief Executive will have authority to make decisions on their behalf.
- 2.6 The Board may require the Chief Executive to submit reports on decisions taken and actions authorised by them under this Scheme, including decisions made by members of staff under sub-delegation provisions.
- 2.7 All sums stated in this Scheme are exclusive of VAT.

### **3. Delegation by the Authority to the Chief Executive**

#### Corporate Management

- 3.1 The Chief Executive has overall responsibility for the corporate management of the Authority and for the day to day exercise of its functions, including business continuity for which the Chief Executive is accountable to the Board.

#### Arrangements with the Chief Constable

- 3.2 The Chief Executive is authorised to approve arrangements, in accordance with section 83 of the Act, between the Authority and the Chief Constable (or other authorised Police Scotland personnel) for the provision of assistance and/or staff to and from Police Scotland.

#### Authorised signatory

- 3.3 The Chief Executive has authority to sign:
  - a) Documents on behalf of the Authority in terms of the Requirements of Writing (Scotland) Act 1995;
  - b) Contracts for goods services and works; and
  - c) All deeds and other documents which are intended to be legally binding on the Authority.

#### **4. Income**

- 4.1 The Chief Executive is authorised to seek to optimise income for the Authority in accordance with section 87 of the Act and the Scottish Police Authority (Provision of Goods and Services) Order 2013. Novel or contentious proposals for income generation or proposals to recover costs below full cost recovery, must be considered by the Board before approval is sought from the Scottish Government. In accordance with the SPFM, the standard approach to setting charges for public services is full cost recovery.

#### **5. Expenditure – general provisions**

- 5.1 The Chief Executive, in respect of SPA Corporate is authorised to transfer funds between revenue expenditure headings and between capital projects (virements) up to £200,000 for expenditure on Authority staff or other costs. Such transfers should be reported to the Resources Committee as soon as is practicable.
- 5.2 The Chief Executive may instruct expenditure for which provision has been made within the appropriate budget (the limits of which are set out in financial delegations within this Scheme).

#### **6. Staffing**

- 6.1 The Chief Executive has responsibility for the appointment of staff (subject to agreed staffing limits) and maintaining the Authority's organisational structure. Any transformational changes to the structure must be approved by the Board. Staffing limits may be supplemented, where required, by the addition of short-term secondments and contractors to meet identified business needs, within budget limitations and subject to any applicable procurement rules.
- 6.2 In particular, the Chief Executive is authorised to:
- a) appoint staff to support the carrying out of police functions ('police staff' notwithstanding the Chief Constable's power under section 26(3) of the Act to appoint such staff on the Authority's behalf;
  - b) appoint staff to the Authority to support the Authority in the carrying out of its corporate functions ('Authority staff'), in line with HR policy and within agreed staff budget levels;
  - c) appoint staff to the Authority to support the Authority in the carrying out of its functions in relation to the provision of

forensic services, notwithstanding the Director of Forensic Service's authority to do so as set out in paragraph 22.3.

- d) conduct disciplinary and grievance proceedings in respect of Authority staff who are employed within the corporate functions of the Authority;
- e) remedy inconsistencies in pay or conditions of service, of all staff employed by the Authority, including those staff under the day-to-day direction and control of the Chief Constable of Police Scotland, in line with policy and as directed by the Board.

## **7. Major Investment Projects**

- 7.1 The Chief Executive is responsible for overseeing all Major Investment Projects, (as defined as having a whole life cost of above £5m in the SPFM), including the establishment of appropriate processes and reviews. The Chief Executive must report progress on such matters to the Resources Committee for approval by Board.

## **8. Property**

### General

- 8.1 The Chief Executive may approve routine property transactions within the financial delegated authority set out below. The provisions of the "Property: Acquisition, Disposal and Management" section of the SPFM must be adhered to in relation to all property transactions.
- 8.2 Where the Authority has a requirement for accommodation to provide regional or national coverage, Ministerial consent will be required as set out in [SG's Asset Management Policy](#). In addition, any novel or contentious proposals should be referred to the Scottish Government Property Division for advice, as Ministerial consent may be required.

### Disposal of heritable property

- 8.3 The SPFM makes it clear that in most circumstances public bodies should obtain the best possible price on the open market when disposing of assets. The Chief Executive may authorise the acceptance of offers to purchase heritable property owned by the Authority which it has declared as surplus to operational requirements, and which has, where appropriate, been placed on the open market, provided:

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- a) the Chief Executive, having regard to all the circumstances, including the terms and conditions of the offer(s) received, considers an offer to be the best (though not necessarily the highest) offer received;
  - b) where the Chief Executive proposes to accept an offer contrary to professional advice, or where the Chief Executive proposes to accept an offer which contains unusual conditions, the Authority must obtain any additional approval required in terms of the SPFM;
  - c) the proposed sale price does not exceed £1,000,000;
  - d) in any circumstances the sale of more than one property to the same buyer within any financial year requires prior Board approval.
- 8.4 The general principle is that public bodies should obtain the best possible price on the open market when disposing of assets. In some circumstances there may be a need to dispose of an asset at less than market value but per the SPFM these must deliver wider public benefits, consistent with the principles of Best Value.
- 8.5 It is recognised that the Authority may from time to time be obliged to dispose of heritable property to a community body where that community body has invoked a Right to Buy contained in the Land Reform (Scotland) Act 2003 (as amended). For the avoidance of doubt, such transactions shall be deemed to be of a routine nature.

### Acquisition of heritable property

- 8.6 The Chief Executive may authorise the acquisition of heritable property by the Authority from third parties for a proposed purchase price of up to £1,000,000.

### Non-property/accommodation-related Leases

- 8.7 The Chief Executive may approve non-property/accommodation related leases – other than those of regional or national importance per the Governance and Accountability Framework - for a period of up to five years and up to a total value of £50,000 (calculated over the term of the lease). This is a specific delegated authority set out in the Governance and Accountability Framework.
- 8.8 It is not necessary for the Chief Executive to seek the approval of the Scottish Ministers to enter into any finance-related lease. However,

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all finance related leases with a projected total value in excess of £500,000 require Board approval.

### Property/accommodation-related Leases etc. – Authority as Landlord

- 8.9 The Chief Executive must seek Scottish Government and Board approval to enter into any lease of regional or national importance or without a specific delegated authority per the Governance and Accountability Framework. Upon receipt of approval, the Chief Executive may approve the Authority entering into a Lease, Licence to Occupy, or Memorandum of Terms of Occupation (MOTO) with third parties in respect of heritable property owned by the Authority for a period of up to 5 years and up to a total value of £5 million (calculated over the term of the Lease/Licence to Occupy/MOTO). Where a proposed lease concerns accommodation of regional or national importance, the transaction will also require the consent of the Scottish Ministers following Board approval.
- 8.10 For leases of regional or national importance or without a specific delegated authority per the Governance and Accountability Framework, the Chief Executive must seek Scottish Government approval for the variation or extension of an existing Lease, Licence to Occupy, or MOTO provided any proposed extension would not exceed the threshold specified in paragraph 8.9.
- 8.11 The Chief Executive may instruct appropriate action to enforce the terms of any Lease, Licence to Occupy or MOTO (including the termination thereof) where the Tenant/Licensee/Occupier has failed to comply with the terms of the Lease, Licence to Occupy, or MOTO and in particular may authorise appropriate action to enable the Authority to obtain vacant possession of the heritable property in question.

### Property/accommodation-related Leases etc. – Authority as Tenant

- 8.12 The Chief Executive must seek Scottish Government and Board approval to enter into any lease of regional or national importance or without a specific delegated authority per the Governance and Accountability Framework. Upon receipt of approval, the Chief Executive may enter into a Lease, Licence to Occupy, or MOTO with third parties in respect of heritable property owned by the third party for a period of up to 5 years and up to a total value of £2 million (calculated over the term of the Lease/Licence to Occupy/MOTO). Where a proposed lease concerns accommodation of regional or national importance, the transaction will also require the consent of the Scottish Ministers.

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- 8.13 The Chief Executive may approve the variation or extension of an existing Lease, Licence to Occupy, or MOTO provided any proposed extension would not exceed the threshold specified in paragraph 8.12.
- 8.14 The Chief Executive may authorise the exercise, or the non-exercise, of a tenant's lease break.

### Miscellaneous

- 8.15 The Chief Executive may authorise:
- a) the granting to a third party of any other right (e.g. cable wayleave) over heritable property owned by the Authority and vice versa;
  - b) the exercise of any right afforded to the Authority under contract or otherwise in respect of heritable property owned by the Authority; and
  - c) the granting of, or discharge of, rights affecting or ancillary to property interests existing or acquired.

## **9. Other licence Agreements**

- 9.1 The Chief Executive may enter, renew and terminate Licence Agreements and/or Site Sharing Agreements with third parties, including but not limited to Agreements pertaining to the use of telecommunication equipment and radio masts, and may authorise any necessary legal action in this connection.

## **10. Procurement/Contracts**

- 10.1 Subject to the provisions and financial thresholds detailed in the Standing Orders relating to Contracts (see link below), the Chief Executive has authority to place orders and enter into contracts, or to instruct such orders to be placed and entered into, for the supply of goods and services, and works. The Chief Executive may also extend, vary and terminate such contracts or instruct the extension, variation and termination of such contracts. Special arrangements will apply to procurement of a classified nature.

<https://www.scotland.police.uk/spa-media/k5bjwiat/standing-orders-relating-to-contracts.pdf>

## **11. Write offs, losses and special payments**

- 11.1 The Chief Executive may authorise the increase, decrease or write-off of bad debts and/or losses over £25,000 in value in accordance with the specific delegated authority within the Governance and Accountability Framework. Such adjustments will have an accumulation ceiling of £300,000 within any financial year. Write-offs and losses which accumulate above £300,000 in any financial year require Board approval and should be brought to the attention of Parliament through notes to the accounts per the SPFM.
- 11.2 The Chief Executive may authorise special payments up to £1,000 in value in accordance with the specific delegated authority set out in the Governance and Accountability Framework. Such adjustments will have an accumulation ceiling of £300,000 within any financial year. Special payments that accumulate above £300,000 in any financial year require Board approval and should be brought to the attention of Parliament through notes to the accounts per the SPFM.
- 11.3 The Chief Executive may (a) arrange insurance for the Authority and (b) renew periodically all Authority insurances, provided that such actions are consistent with the provisions of the SPFM. Any action taken under (a) and (b) above must be reported to the Resources Committee and/or Forensic Services Committee as appropriate.

## **12. Members' Expenses**

- 12.1 The Chief Executive may approve Authority Members' remuneration, allowances and expenses, in accordance with Scottish Government pay policy, Members' terms of appointment, and any specific guidance issued by Scottish Ministers.

## **13. Legal**

- 13.1 The Chief Executive has authority to do the following:
- a) Approve the payment of awards against the Authority by a court or tribunal, in consultation with the Authority's solicitors;
  - b) authorise payment of judicial expenses for which the Authority is liable, in consultation with the Authority's solicitors;
  - c) initiate, enter into, defend and withdraw from legal proceedings involving the Authority, including appeals, all in consultation with the Authority's solicitors;

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- d) direct the signing of court documents on behalf of the Authority;
  - e) engage Police Scotland's Legal Services Department, external legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate, or other specialist services as required;
  - f) approve the sign off and submission to Revenue Scotland of Land and Buildings Transaction Tax (LBTT) Returns; and
  - g) provide instructions to the Authority's solicitors.
- 13.2 Notwithstanding the terms of 13.1 a) and b) above, any award or claim for judicial expenses which may be considered novel or contentious, include ethical or substantial reputational issues or are of significant public interest shall be referred to the Legal Committee for consideration and instructions regarding settlement.
- 13.3 For the avoidance of doubt, authority to settle all legal actions and claims raised against the Authority must be obtained from the Legal Committee.

### **14. Reform Funding**

- 14.1 In their capacity as Accountable Officer, the Chief Executive will seek assurance, including reviewing business cases from the Authority, SPA Forensic Services and Police Scotland where appropriate, for the drawdown of reform funding. Approval of business cases will be the responsibility of the Authority's Senior Management, the Senior Management of SPA Forensic Services or Police Scotland's Change Board (as appropriate). Every project should be supported by a benefits realisation plan to enable the return on investment of every project to be monitored and scrutinised. SPA SMT, Forensic Services SMT or Police Scotland Change Board (as appropriate) will act as follows :-
- (i) If the business case for reform funding only, includes projected costs of <£1m within a 1 year period, and it does not raise matters of policy which would be of interest to the Board, the relevant SMT or Change Board may approve the business case and thereafter forward the business case to the Scottish Government for approval. The referral process will be led by Police Scotland who will maintain a record of all such referrals. Police Scotland will also provide reports on a quarterly basis to

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both the Resources Committee and the Board of all such referrals.

- (ii) If the business case for reform funding only, includes projected costs of >£1m within a 1 year period , the relevant SMT or Change Board will refer the business case to the Resources Committee for decision to submit to the Board for approval. If the Committee is content to recommend the business case to the Board for approval, and the Board duly formally approves the business case, the Authority will thereafter refer the business case to the Scottish Government for approval. The referral process will be led by Police Scotland who will maintain a record of all such referrals.
- (iii) Where a reform funding request raises matters of policy which would be of interest to the Board, SMT/Change Board will refer the business case to the Board for approval. If the Board duly formally approves the business case, the Authority will thereafter refer it to the Scottish Government for approval. The referral process will be led by Police Scotland who will maintain a record of all such referrals.
- (iv) Where a business case for funding includes business as usual capital or revenue as well as a smaller element of reform funding, approval should be sought through the business as usual delegated authority approval limits as set out in the financial delegations within this Scheme or the PSOS Scheme of Delegation.
- (v) Where reallocation of reform funding is necessary in year through for example, emerging requirements or slippage in an forecast spend, the Chief Executive and Director of Forensic Services (or delegates) must be involved in the decision making process to allow fair and equitable access to any in year reform funding underspend. Any agreed reallocation of reform funding underspend must be reported by Police Scotland as the lead body in managing reform funding, to the Resources Committee as part of the regular financial reporting.
- (vi) The Chief Executive in their role as Accountable Officer may seek assurance, at any point, that reform funding is being spent as directed and benefits are being received as expected. Police Scotland as the lead body in managing reform funding will respond to any such request in year as soon as is practically possible.

## **15. Independent Custody Visiting**

15.1 The Chief Executive is authorised to perform all functions under sections 94 and 95 of the Act, including the making of arrangements for independent custody visiting, and visits of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

## **16. Performance of Senior Officers**

16.1 Perform the functions of the Authority under the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016, with the exception of the following:

- a) all functions of the Chair of the Authority acting as the Chief Constable's reporting officer;
- b) the appointment of appeal panels to conduct performance appeal meetings (regulation 19); and
- c) the appointment of panels to conduct performance hearings (regulation 28).

## **17. Health & Safety**

17.1 Whilst the Authority has overall responsibility for Health and Safety, the Chief Executive is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations under the Health and Safety at Work Act of 1974 ('the 1974 Act') in respect of Members and Authority staff (except staff working in Forensic Services where a separate provision exists). This includes taking the lead role in ensuring those Authority Members and staff are meeting their responsibilities so as to comply with the 1974 Act. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

## **18. Emergency Planning**

18.1 The Chief Executive is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations for emergency planning, business continuity, and disaster recovery as detailed in the Civil Contingencies Act 2004, in respect of SPA Corporate only. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

## **19. Information Management**

19.1 The Chief Executive is authorised to make such decisions and take such action, as are required to satisfy the Authority's obligations in relation to:

- a) requests for information under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004;
- b) data subjects rights under Part 3 Chapter 3 of the Data Protection Act 2018 and Articles 15-22 of the GDPR; and
- c) records management under Part 1 of the Public Records (Scotland) Act 2011.

## **20. Pensions**

20.1 The Chief Executive is authorised to do the following:

- a) make decisions regarding flexible retirements in line with the Pensions Discretionary Policy;
- b) make decisions on individual cases regarding –
  - i. reinstatement of a child's pension.
  - ii. reinstatement of a widow/ers pension.
  - iii. granting cessation of payments towards increased pension benefits.
- c) all decisions made under (a) and (b) above must be reported to the Legal Committee as soon as it is practicable to do so.

20.2 In the case of such pension matters funding implications are a matter for the Scottish Public Pensions Agency (SPPA). The Authority is the decision maker in respect of entitlement and action. The Authority cannot proceed without the agreement of SPPA.

## **21. Sub delegation by the Chief Executive to Senior Authority Staff**

21.1 The Chief Executive may sub-delegate powers to senior members of Authority staff. Any sub-delegation of powers by the Chief Executive, will be included in delegation letters which will set out the scope of delegated powers and associated financial delegations. Delegation letters will be reviewed and issued by the Chief Executive on an annual basis.

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- 21.2 The Chief Executive may not sub-delegate any of their personal obligations and responsibilities as Accountable Officer of the Authority. In the event that the Chief Executive is incapacitated or otherwise unable to perform the Accountable Officer's responsibilities for a period of four weeks or more, the Authority will notify the Scottish Government Permanent Secretary and Portfolio Principal Accountable Officer who may appoint a substitute Accountable Officer (likely Deputy Chief Executive Resources) pending the Chief Executive's return to duties.
- 21.3 In their capacity as Accountable Officer, the Chief Executive will issue on an annual basis, a formal financial protocol between the Authority and the Police Service of Scotland. The protocol will set out how the Accountable Officer's responsibilities, per the Public Finance and Accountability (Scotland) Act 2002, specifically set out in the Memorandum to Accountable Officers, are undertaken by Police Scotland.
- 21.4 As the Accountable Officer bears overall personal financial responsibility for the Authority's budget, the financial protocol will set out the responsibilities of the Chief Financial Officer for Police Scotland for the management of the Authority's financial services and for the administration of the financial affairs and will advise the Accountable Officer on all financial matters.

## **22. Delegation by the Authority to the Director of Forensic Services**

- 22.1 The Director of Forensic Services on behalf of the Authority, is authorised to enter into necessary arrangements for the provision of forensic services to Police Scotland, the Police Investigations and Review Commissioner (PIRC) and the Lord Advocate and procurators fiscal in terms of Section 31 of the Act, within approved budget limits and in line with the limits set out in the financial delegations. Such arrangements may include, but are not restricted to, Memoranda of Understanding, Service Level Agreements, establishing advisory/working groups, and other such measures to enable the delivery of an effective service.
- 22.2 The Director of Forensic Services, in respect of Forensic Services only, is authorised to transfer funds between revenue expenditure headings and between capital projects (virements) up to £200,000 for expenditure on Authority staff or other costs. Such transfers should be reported to the Resources Committee as soon as is practicable.
- 22.3 The Director of Forensic Services is authorised to:

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- a) appoint staff to enable the Authority to carry out of its functions in relation to the provision of forensic services in terms of Section 31 of the Act, in line with HR policy and within agreed staff budget levels;
  - b) conduct disciplinary and grievance proceedings in respect of Authority staff who are employed within Forensic Services; and
  - c) make decisions regarding the deployment and oversight of Authority staff who are employed within Forensic Services, and authorise their attendance at training courses, conferences, seminars and other developmental activities.
- 22.4 In the event of any question or dispute as to whether a decision taken, or proposed to be taken, is consistent with this Scheme, the matter will be determined by the Board of the Authority in consultation with the Director of Forensic Services.
- 22.5 Before exercising delegated powers under this Scheme, the Director of Forensic Services must, wherever practicable, consult with the Forensic Services Committee where the exercise of the powers would, or would be likely to :
- a) have a significant or adverse effect on financial, reputational or operational risk; or
  - b) have an impact on service delivery and/or the performance of the Authority's functions.
- 22.6 The Director of Forensic Services must as soon as practicable (and no later than the next scheduled meeting of the Board) report to Members any action taken following consultation with the Forensic Services Committee in connection with paragraph 22.5.
- 22.7 The Forensic Services Committee may require the Director of Forensic Services to submit reports on decisions taken and actions authorised by them under this Scheme, including decisions taken by members of staff to whom the Director of Forensic Services has sub-delegated powers.
- 22.8 The Director of Forensic Services may sub-delegate powers delegated to them under this Scheme to senior members of Forensic Services staff. Any sub-delegation of powers by the Director of Forensic Services, will be included in delegation letters which will set out the scope of delegated powers and associated financial delegations. Delegation letters will be reviewed and issued by the Director of Forensic Services on an annual basis.

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- 22.9 The Director of Forensic Services is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations under the Health and Safety at Work Act of 1974 ('the 1974 Act') in respect of Authority staff working in Forensic Services. This includes taking the lead role in ensuring that Forensic Services staff are meeting their responsibilities so as to comply with the 1974 Act. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.
- 22.10 The Director of Forensic Services is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations for emergency planning, business continuity, and disaster recovery as detailed in the Civil Contingencies Act 2004 in respect of Forensic Services. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

**GLOSSARY OF TERMS**

<b>Definitions</b>	
The Authority	The Scottish Police Authority - the body corporate established under the terms of the Police and Fire Reform (Scotland) Act 2012
Accountable Officer	The officer appointed by the principal accountable officer for the Scottish Administration in terms of section 15(3) of the Public Finance and Accountability (Scotland) Act 2000 to carry out the functions set out in the Memorandum to Accountable Officers for Other Public Bodies and who is answerable to the Scottish Parliament for the exercise of those functions.
Best Value	<p>Best Value is the continuous improvement in the carrying out of functions whilst maintaining an appropriate balance among:</p> <ul style="list-style-type: none"><li>the quality of the carrying out of functions;</li><li>the cost of carrying out functions;</li></ul> <p>the cost to persons of any service provided for them on a wholly or partly rechargeable basis by the Authority or, as the case may be, under arrangements made by the chief constable,</p> <p>and having regard to efficiency, effectiveness, economy, and the need to meet the equal opportunity requirements, and contributes to the achievement of sustainable development</p> <p>as set out in section 37 of the Police and Fire Reform (Scotland) Act 2012.</p>
Finance Lease	A lease that transfers substantially all the risks and rewards incidental to ownership of an asset. Title may or may not eventually be transferred.
Heritable Property	Heritable property ("real" or "immovable") includes only naturally immovable items such as land minerals, or any object attached to land such as buildings.

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SPA Corporate	The governance and oversight arm of the Scottish Police Authority, which carries out the functions of the Authority set out in section 2 of the Police and Fire Reform (Scotland) Act 2012.
Virement	The term used for the process by which funds are moved between budget sections or subheads such that additional expenditure on one is met by savings on one or more others. Budget must not be vired between capital and revenue.

**TEMPORARY TERMS OF REFERENCE**

The Resources Committee, and the Succession Planning and Appointments Committee will continue with the undernoted terms of reference until such time as the new People Committee meets. At that time the Resources Committee will adopt the terms of reference set out in Annex C, and the Succession Planning and Appointments committee will be stood down.

## **TERMS OF REFERENCE - RESOURCES COMMITTEE**

### PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight, scrutiny and assurance to the Board on all significant resources matters, including financial planning, performance and financial stewardship, and on significant people-related matters. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the Board requests of it in relation to financial sustainability, employee-related and other resourcing aspects of Police Scotland and the Authority. In addition the Committee will seek to ensure that continuous improvement is embedded within financial and people-management and development processes and procedures in line with Best Value principles, and will seek evidence of Police Scotland and the Authority operating as responsible employers and of progress being made towards mainstreaming of equality, diversity and human rights.
2. Meetings will be used to:
  - (i) Assess resourcing strategies, policies and plans, and monitor the effectiveness of resource planning processes, and make recommendations to the Board.
  - (ii) Review resourcing implications, opportunities and risks associated with business cases, contracts, lease agreements, operational plans, borrowing, sponsorship, special payments, write-off losses and the acquisition and disposal of land and property with a financial value above the delegated limits set out in the scheme of delegation, and make recommendations to the Board as appropriate.
  - (iii) Seek assurance that Police Scotland and the Authority are developing financially sustainable organisations with a diverse workforce, inclusive working environments and appropriate professional development opportunities and support, and that effective approaches to workforce engagement and involvement are in place.
  - (iv) Seek assurance on the capacity and capability of the finance and people & development functions, including staff, systems and processes including an annual review of the Scottish Police Authority and Police Service of Scotland Financial Regulations.
  - (v) Review Authority/Police Scotland input to the Government Spending Reviews and make recommendations to the Board.

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- (vi) Review the annual budget proposals for revenue and capital, assessing the underlying assumptions, and make recommendations to the Board.
- (vii) Monitor financial performance including through delivering the approved budget, resourcing plans and strategies and workforce trends.
- (viii) Recommend to the Board any changes to the budget during the financial year in accordance with the limits set out in the scheme of delegation.
- (ix) Review the annual financial outturn, and end-year financial statements, and assess their impact on financial and workforce plans.
- (x) Seek assurance about compliance with the Scottish Public Finance Manual and other financial policies and regulations, and with the Authority's obligations as an employer including in relation to health, safety and wellbeing, equalities - including the public sector equality duty - and organisational change.
- (xi) Scrutinise the rolling capital investment plan ensuring prioritisation of spend in line with the policing strategy and monitor progress of the agreed programme of property disposals and acquisitions.
- (xii) Review public sector pay policy submissions and proposals, and changes to workforce terms and conditions, and make recommendations to the Board as appropriate.
- (xiii) Consider such other matters as required by the Board.

### MEMBERSHIP

- 3. The Committee will comprise the chair (" Committee Chair") and no more than three other Board Members.
- 4. The quorum for the Committee will be two Members including the Committee Chair.

### MEETINGS

- 5. The Committee will hold at least **4** scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business.

## **TERMS OF REFERENCE - 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 Authority's Chief Executive and senior Director level Authority 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 Authority.
  - (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.
  - (vi) Determine the optimum process and implement 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

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those arrangements. The final decision on appointment will rest with the Board.

- (vii) Determine the optimum process and implement the arrangements for appointing the Authority's Chief Executive 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.
- (ix) Consider such other matters as required by the Board.

### 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.
- 5. The Chief Executive has 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.
- 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.

### MEETINGS

- 7. 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.