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SCOTTISH POLICE  
**AUTHORITY**

## **SPA CORPORATE GOVERNANCE FRAMEWORK**

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Chief Executive**

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**Version Control**

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## SPA CORPORATE GOVERNANCE FRAMEWORK: PART 1 - OVERVIEW

### Introduction

The Scottish Police Authority (the Authority) 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;
- the Scottish Government/Scottish Police Authority Governance and Accountability Framework Document which describes the context within which the Authority operates and sets out key roles and responsibilities. For ease of reference, this document is referred to below as the Strategic Engagement Framework<sup>2</sup> ([SEF](#));
- the Public Finance and Accountability (Scotland) Act 2000;
- the Scottish Public Finance Manual<sup>3</sup> ([SPFM](#));
- the [Memorandum](#) to Accountable Officers for Other Public Bodies<sup>4</sup>;
- [On Board](#): A Guide for Members of Statutory Boards<sup>5</sup> published by the Scottish Government; and
- the Ethical Standards in Public Life etc. (Scotland) Act 2000.

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

<sup>2</sup> <http://www.gov.scot/Resource/0044/00441788.pdf>

<sup>3</sup> <http://www.gov.scot/Topics/Government/Finance/spfm/Intro>

<sup>4</sup> <http://www.gov.scot/Topics/Government/Finance/spfm/Accountability/aomemooother>

<sup>5</sup> <http://www.gov.scot/Resource/0051/00514817.pdf>

## **Governance**

Good governance ensures that an organisation fulfils its overall purpose, achieves its intended outcomes for citizens and service users, and operates in an effective, efficient and ethical manner<sup>6</sup>. Importantly, it defines where accountability lies throughout the organisation.

This framework sets out the roles, responsibilities and procedures for the effective and efficient conduct of the Authority's business.

In delivering its functions, the Authority is guided by the principles of good governance<sup>7</sup>. This means:

- 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.

The Act requires the Authority, wherever possible, 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.

This framework will be reviewed regularly to ensure that it remains fit for purpose.

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<sup>6</sup> The Independent Commission on Good Governance in Public Services: Good Governance Standard for Public Services

<sup>7</sup> Good Governance Standard for Public Services, *ibid*, and International Framework: Good Governance in the Public Sector, IFAC and CIPFA

## **Values**

The Authority aims to work to the highest standards of integrity in the public interest. Its approach to governance is designed to ensure that this is achieved. The Authority is guided by a culture which values:

- fairness: acting in an independent way with integrity and free from bias, real or perceived;
- openness: acting in an open and transparent way, promoting and sharing good practice;
- accountability: being fully accountable for decisions it makes, the performance of its functions and how it uses public funds.

The Authority aims to increase public trust and confidence in the policing of Scotland in the way in which it carries out its functions and through the quality of its governance arrangements.

## **About the Scottish Police Authority**

### **Functions**

The Act sets out five main functions for the Authority:

- to maintain the Police Service;
- to promote the policing principles;
- to promote and support continuous improvement in the policing of Scotland;
- to keep under review the policing of Scotland;
- to hold the Chief Constable to account for the policing of Scotland<sup>8</sup>.

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<sup>8</sup> In holding the Chief Constable to account, the Authority has regard to the strategic police plan - 2026: Serving a Changing Scotland - and the annual police plan.

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The policing principles are:

- that the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland, and
- that the Police Service, working in collaboration with others where appropriate, should seek to achieve the main purpose by policing in a way which
  - is accessible to, and engaged with, local communities, and
  - promotes measures to prevent crime, harm and disorder.

The Authority must also:

- prepare and periodically review a strategic police plan, having regard to any strategic priorities determined by the Scottish Ministers;
- appoint the chief constable, subject to approval by the Scottish Ministers, and designate a deputy chief constable to carry out the chief constable's functions during any period in which he/she is unable to carry out those functions through absence, incapacity or suspension or where the office of chief constable is vacant;
- appoint deputy and assistant chief constables;
- provide forensic services to the Police Service, the Police Investigations and Review Commissioner, the Lord Advocate and procurators fiscal;
- make arrangements for independent custody visiting;
- maintain suitable arrangements for handling relevant complaints and keep itself informed as to the manner in which relevant complaints are dealt with by the chief constable.;
- assess, and publish a report each year on, the performance of the Authority and of Police Scotland; and
- in the exercise of its functions, make arrangements which secure best value.

Additionally, the Authority may issue recommendations or guidance to the Chief Constable on the policing of Scotland.

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A more detailed list of the Authority's statutory functions and responsibilities (including those incumbent on all public bodies generally and by virtue of being an employer of staff) is set out in [Annex A](#).

The Authority has collective corporate responsibility under the leadership of the Chair for carrying out its functions and responsibilities.

### The Board

The Authority has a non-executive Board of up to 15 Members (including the Chair) appointed by the Scottish Ministers. The appointments process is regulated by the Commissioner for Ethical Standards in Public Life in Scotland in line with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland<sup>9</sup>. The Board's current membership is shown on the Authority's [website](#)<sup>10</sup>.

Members are appointed for periods of up to 4 years. Individual members may be reappointed but may not serve for a total period exceeding 8 years<sup>11</sup>.

On Board provides that in carrying out their role Members of the Authority are expected to:

- act in good faith and share collective responsibility;
- abide by this framework and observe the highest standards of propriety in fulfilling their responsibilities;
- give proper time and attention to their duties and development;
- use their specialist skills, knowledge and experience to form collective decisions;
- give all matters reserved to them due consideration and take ownership of decisions taken;
- respect the respective roles of the Board and the Executive;
- contribute fully to Board deliberations and exercise a healthy challenge function;

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<sup>9</sup> <http://www.publicappointments.org/publications/publication/222/2013-code-of-practice-for-ministerial-appointments-to-public-bodies-in-scotland>

<sup>10</sup> <http://www.spa.police.uk/about-us/the-board/>

<sup>11</sup> On Board p.30

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- comply with the Code of Conduct;
- have regard to the guidance set out in 'On Board';
- participate in an annual appraisal of their own performance with the chair.

Schedule 1 to the Act sets out how Members may be removed from office.

The Members of the Authority are also collectively referred to as the Board and both terms are used within this document.

### The Chair

The Chair of the Authority has additional responsibilities, particularly in relation to leadership and conduct of the Authority's business<sup>12</sup>. This includes ensuring that:

- the Authority is working effectively and is subject to regular self-assessment;
- the Authority has a balance of skills appropriate to directing its business;
- Members are fully briefed on their terms of appointment, rights and responsibilities;
- Members 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;
- Scottish Ministers are advised of the Authority's needs when vacancies arise;
- there is a Code of Conduct for Members approved by the Scottish Ministers;
- Members' performance is assessed on a continuous basis and appraised formally at least annually;
- the Chief Constable's and Chief Executive's performance is appraised annually, in consultation with other Members.

In the performance of his/her duties, the Chair is accountable to the Scottish Ministers and may be called to account by the Scottish Parliament.

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<sup>12</sup> On Board p.31 and SEF paragraphs 11 and 12

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The responsibilities of Members and of the Chair are set out in their respective letters of appointment. They are also outlined in [On Board](#) and the [SEF](#).

The shared objectives of the Board will be agreed and refreshed regularly to adapt to any changes in the context in which the SPA and Police Scotland operate. They will inform the personal objectives of individual Board Members. They are set out in the [Board Objectives](#).

### Vice Chair

Members of the Authority may elect from among their number a member to act as deputy to the Chair.

### Chief Executive

The Act empowers the Authority to appoint staff to assist in carrying out its functions. The SPA has accordingly appointed an executive team under the leadership of the Chief Executive. The current organisational structure is set out in Annex B, however it is under review and will be subject to change during 2018.

The Chief Executive is the principal adviser on discharge of the Authority's functions and is accountable to the Board. The Chief Executive's role is to provide operational leadership to the Authority, to ensure that its strategic aims and objectives are met, its functions delivered and its targets met through effective and properly controlled executive action. The Chief Executive's general responsibilities include performance management and staffing of the Authority. Specific responsibilities of the Chief Executive are detailed in [On Board](#) and in paragraph 14 of the [SEF](#). [On Board](#) sets out the different areas of responsibility which the Chief Executive and Board Members have, and the extent to which Board Members may instruct the Chief Executive or other members of staff on operational matters<sup>13</sup>. An [advice note](#)<sup>14</sup> on the relationship between Members and employees has been produced by the Standards Commission for Scotland.

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<sup>13</sup> [On Board](#), page 37

<sup>14</sup>

<http://www.standardscommissionscotland.org.uk/uploads/files/1452184352151218AdviceonRelationsbetweenMembersandEmployeesofDPBs.pdf>

## Accountable Officer

As a public body whose accounts are laid before the Scottish Parliament, the Public Finance and Accountability (Scotland) Act 2000 requires the Authority to have a designated Accountable Officer. The Chief Executive has been designated as Accountable Officer for the Authority.

The essence of the Accountable Officer's role is a **personal** accountability to Parliament for the propriety and regularity of the finances under his/her stewardship and for the economic, efficient and effective use of all related resources. This role is described in more detail in the Memorandum to Accountable Officers for Other Public Bodies.<sup>15</sup> Specific responsibilities of the Authority's Accountable Officer are detailed in paragraph 16 of the [SEF](#).

To assist the Accountable Officer in the discharge of his/her duties, and in recognition of the degree to which day to day responsibility and control over the Authority's financial resources rests within Police Scotland, a Financial Protocol<sup>16</sup> has been established setting out the extent to which management control of budgets has been delegated to the Chief Finance Officer within Police Scotland and describing the relationship between the Chief Finance Officer and the Accountable Officer.

## Financial Stewardship

The Authority must demonstrate effective financial stewardship of the public funds allocated to it by the Scottish Ministers. In doing so, it must meet the requirements of the Public Finance and Accountability (Scotland) Act 2000 and the [SPFM](#).

The Authority must ensure that it has processes and systems in place to ensure compliance with the SPFM. It is the role of the Chief Executive/Accountable

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<sup>15</sup> <http://www.gov.scot/Topics/Government/Finance/spfm/Accountability/aomemoother>

<sup>16</sup> [insert details]

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Officer to provide advice and assurance to the Board that the SPFM is being complied with.

### Constitution, conduct and meetings

The constitution of the Authority is set out in Schedule 1 to the Act. It authorises the Authority to:

- establish committees for any purpose;
- regulate its own procedure (including the quorum) and that of any committees;
- include on committees persons who are not members of the authority;
- determine whether to delegate any of its functions to a committee or member of staff.

The Act requires the Authority to hold its proceedings in public and publish agendas and papers for those meetings. It also authorises the Authority to determine the circumstances in which it may hold all or part of its proceedings in private.

The Authority has made a commitment to openness and transparency and part of meeting this commitment is ensuring that, whenever possible, its decisions, policies and practices are accessible to, and understandable by, the public.

The Authority approaches openness and transparency in several ways including, wherever possible, the publication of key papers and decisions, holding meetings in public, undertaking public consultation on significant policy changes and undertaking research to understand public and other key stakeholder perspectives.

The Authority has set out in paragraph 21 of its Standing Orders the circumstances in which it may decide to hold meetings in private or in which agendas, papers and reports need not be published.

## **Standing Orders**

In order to ensure the consistent application of appropriate standards to meetings of the Authority and decision making processes, a set of [Standing Orders](#) has been adopted. Among other things, they set out:

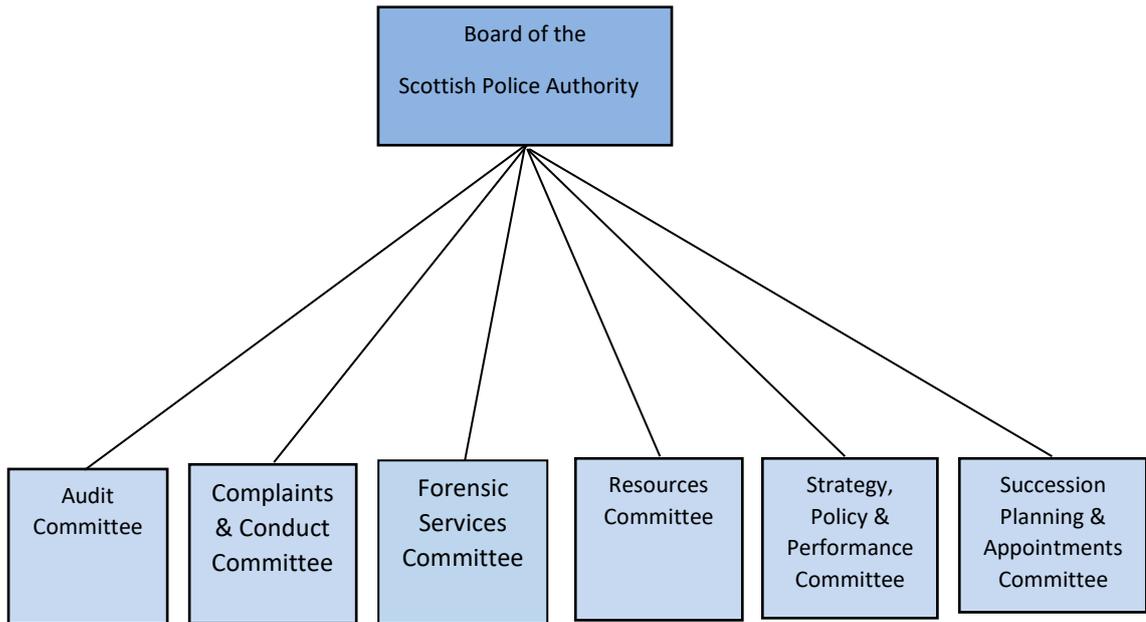
- arrangements for calling meetings of the Board and Committees, issuing agendas and taking minutes;
- the role of the chair at meetings
- the quorum for validly constituted meetings;
- the entitlement of members of the public to attend meetings and have access to reports;
- the circumstances in which items of business may be considered in private;
- how declarations of interest should be made and recorded;
- how decisions are taken;
- arrangements for establishing committees and appointing members to them.

The Authority acts collectively in making decisions. It seeks to achieve consensus on major decisions. However, where this is not possible, collective decisions will be based on a majority vote with the chair holding a casting vote.

To assist the Authority and its committees to perform their functions to the required standard, the Authority recognises the need for appropriate, accurate and timely information and advice in a form and of a quality sufficient to enable them to discharge their duties. To that end, the Authority will set out the requirements for relevant papers to be submitted to it including the format and nature of information required and the timescales for submission. Persons reporting to the Board and its committees will be expected to comply with these requirements.

## Committees

The Authority has established a number of committees to undertake specific functions, to carry out more detailed scrutiny work in particular areas and to assist and advise it in relation to the performance of its functions, thereby enabling the Board to maintain a focus on major issues facing the organisation. The committee structure is shown below:



With the exception of the Audit Committee which is a requirement of the SPFM, decisions about the number and remit of committees rests with the Authority.

Terms of Reference for the current Committees are set out in Annex C.

Committees have decision making powers to the extent set out in their Terms of Reference.

On Board provides that the Audit Committee is classed as a governance committee and should not have executive responsibilities, although it may draw attention to strengths and weaknesses in control and make suggestions for how weaknesses might be dealt with. The overarching purpose of the Audit Committee is to advise the Board and/or the Accountable Officer. It is then the

Board and/or the Chief Executive in his/her role as Accountable Officer who makes the relevant decisions<sup>17</sup>.

The Committee structure will be kept under review to ensure that it continues to operate effectively and to add value. It may be amended by the Authority at any time.

The Authority may also decide to set up informal Working Groups for specific purposes and projects. Any such working group will be provided with a clear remit, membership and reporting arrangements which will be published on the Authority's website.

### **Delegated authority**

Schedule 1 to the Act empowers the Authority to authorise a committee or any member of the Authority's staff to perform such of its functions as it may determine. The Authority has consequently determined clear levels of delegated authority in which:

- it reserves certain decisions to itself and may revoke delegations it has previously made ([annex D](#));
- certain decisions have been delegated to Committees, as set out in their individual terms of reference ([annex C](#));
- the Chief Executive is empowered to make decisions for the day to day operation of the Authority as set out in the scheme of delegation ([annex E](#)).

The delegation by the Authority of any of its functions does not affect its overall responsibility for the performance of the function being delegated nor its ability to perform that delegated function should it choose to do so.

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<sup>17</sup> On Board, page 47

All decisions and actions taken by way of delegated authority powers must be exercised in accordance with any Scheme of Delegation and with the provisions and guidance contained within the SPA Financial Regulations<sup>18</sup> and Standing Orders Relating to Contracts<sup>19</sup> and must be shown to uphold the principles of accountability, equality, integrity, good governance and transparency, in so far as reasonably practicable.

### **Ethics and Standards of Behaviour**

The public expects exemplary standards of behaviour from those serving on the boards of public bodies when undertaking their duties. To that end the Authority has adopted a Code of Conduct for Members in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000. The Code is based on a set of general principles that all members are required to observe when discharging their public duties<sup>20</sup>. They are:

#### **Duty**

Members have a duty to uphold the law and act in accordance with the law and the public trust placed in them. They have a duty to act in the interests of the public body of which they are a member and in accordance with the core functions and duties of that body.

#### **Selflessness**

Members have a duty to take decisions solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.

#### **Integrity**

Members must not place themselves under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

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<sup>18</sup> <http://www.spa.police.uk/assets/128635/293617/376046/416633>

<sup>19</sup> <http://www.scotland.police.uk/assets/pdf/138327/327595/standing-orders-relating-to-contracts>

<sup>20</sup> Code of Conduct for Members, pages 8-9

**Objectivity**

Members must make decisions solely on merit and in a way that is consistent with the functions of the Authority when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

**Accountability and Stewardship**

Members are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others and must ensure that the Authority uses its resources prudently and in accordance with the law.

**Openness**

Members have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

**Honesty**

Members have a duty to act honestly. They must declare any private interests relating to their duties and take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**

Members have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the public body and its members in conducting public business.

**Respect**

Members must respect fellow Members of the Authority and employees and the role they play, treating them with courtesy at all times. Similarly, Members must respect members of the public when performing duties as a member of the Authority.

## **Registration and Declaration of Interests**

Provisions for the registration and declaration of interests and withdrawal from meetings are intended to prevent Members from being influenced, or appearing to be influenced, by their private interests in the exercise of their duties.

As part of the Code, the Authority will maintain a Register of Members' Interests and ensure that it is open for public inspection. It is the personal responsibility of Members to ensure that their register entries are complete and kept up to date.

## **Conflicts of Interest**

Board Members must declare any financial and non-financial interests which might be perceived to influence their contribution to a discussion or decision in Authority proceedings and must withdraw from decision-making on the basis of such an interest when it is appropriate to do so. The requirement to declare extends to interests held by close family, friends and business associates.

The test Members must apply in assessing whether to make a declaration is "whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making as a member of the Scottish Police Authority".<sup>21</sup> This is known as the 'objective test'.

The requirement to declare relevant interests will be a standing agenda item at all Board and Committee meetings with any declarations being formally recorded.

## **Remuneration**

Members are entitled to remuneration at the rate set out in their letters of appointment and in line with the Public Sector Pay Policy for Senior Appointments.<sup>22</sup> They are also entitled to be reimbursed for reasonable out of

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<sup>21</sup> Code of Conduct for Members, page 18

<sup>22</sup> <http://www.gov.scot/Topics/Government/public-sector-pay/senior-appointment-pay>

pocket expenses. The Authority will ensure there is a formal and proportionate arrangement in place for making claims and will issue appropriate guidance to Members.

### **Member Appraisals**

In accordance with best practice, the performance of Members will be reviewed regularly throughout their term of office by the Chair of the Authority. In turn, the Chair's performance will be reviewed by the Senior Sponsor within Scottish Government. The purpose of the appraisal process is to contribute to continuous improvement of the Authority's decision-making, effectiveness and performance. In carrying out appraisals, regard will be had to the relevant guidance issued by the Scottish Government.<sup>23</sup>

### **Whistleblowing**

Board members have a responsibility for ensuring that staff have confidence in the fairness and impartiality of procedures for registering and dealing with their concerns and interests. The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) gives legal protection to workers who raise certain matters or concerns known as 'protected disclosures' without being subject to any detriment. Board Members have a responsibility to ensure that the Authority has a whistleblowing policy and appropriate procedures in place.

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<sup>23</sup> <https://beta.gov.scot/publications/guidance-appraisal-non-departmental-publc-body-ndpb-board-members-chairs/>

## ANNEX A

### SPA'S ROLE

The Authority has five main statutory functions, as set out in the Police and Fire Reform (Scotland) Act 2012. We also have statutory duties and responsibilities with regard to planning, reporting and providing services. In addition, the Authority performs many statutory functions relating to policing. Further information on each of these is set out below:

#### Main functions

The Authority has five main statutory functions. These are:

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

\*The policing principles referred to above are:

- That the main purpose of the Authority and the Scottish Police Service is to improve the safety and well-being of persons, localities and communities in Scotland.
- That the Police Service, working in collaboration with others where appropriate, should seek to achieve that main purpose by policing in a way which:
  - is accessible to, and engaged with, local communities, and
  - promotes measures to prevent crime, harm and disorder.

The 2012 Act sets out a number of actions and responsibilities relating to policing in Scotland which the Authority must undertake. These include:

- **The maintenance of the Police:** For example, providing the Chief Constable with an annual budget to provide police officers with pay, vehicles, equipment and other services;
- **The appointment of Senior Officers:** This includes the Chief Constable, one or more deputy Chief Constables, and one or more Assistant Chief

Constables. If the Chief Constable's office becomes vacant, the Authority must delegate a Deputy Chief Constable to carry out its functions.

- **The employment of police staff:** The Authority has the power to appoint police staff to assist in the carrying out of police functions. However, the Chief Constable has power to make such appointments on behalf of the Authority. Police staff can be employed by the Authority or provided to the Authority under contract with a third party.
- **Police Terms and Conditions:** The Authority determines Police Staff terms and conditions and has the power to pay pensions, allowances or gratuities.
- **Scottish Government Regulations:** The Authority will be consulted by the Scottish Government when it is developing regulations on the governance, administration and conditions of service of constables and police cadets.

### **Planning and reporting**

The Authority must prepare a Strategic Police Plan and review it at least once every three years. This sets out the main objectives for the Authority and for Scotland's policing, and must be developed in consultation with the Chief Constable, HMICS, Local Authorities and any other interested parties (the Current Strategic Police Plan is *2026: Serving a Changing Scotland*<sup>24</sup>

The Authority must be given the opportunity to comment to the Chief Constable on a draft of the Annual Police Plan every year, and the Chief Constable must give any comments due regard. (The Annual Police Plan sets out the Chief Constable's arrangements for the policing of Scotland for the year ahead).

The Authority must produce an annual report each year (this is usually referred to as the '*Annual Review of Policing*'). This must contain an assessment of the Authority's and Police Service's performance in achieving the main objectives set out in the Strategic Police Plan and an assessment of the performance by the Police Service in implementing the arrangements set out in the annual police plan.

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<sup>24</sup> <http://www.scotland.police.uk/assets/pdf/138327/386688/policing-2026-strategy.pdf>

## **Providing Services**

In addition there are several services that the Authority must provide. These are:

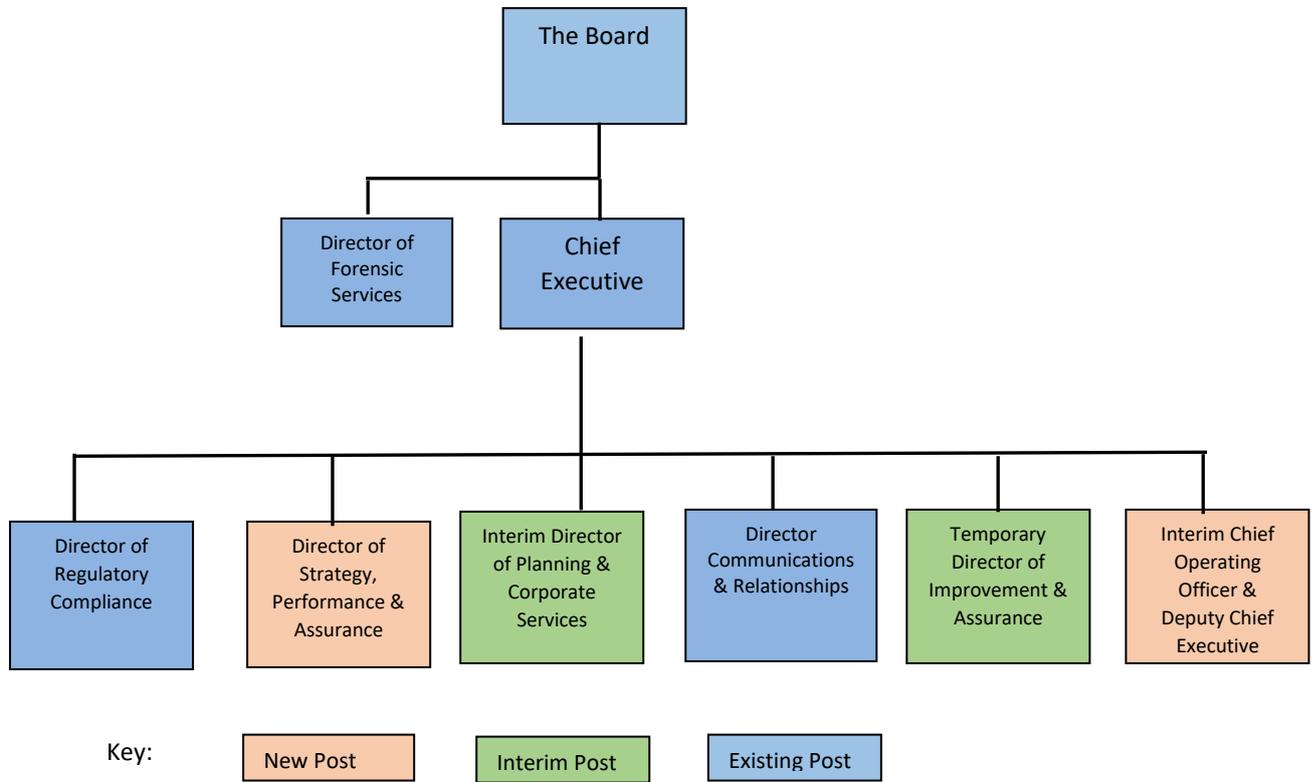
- Forensic services - provide forensic services to Police Scotland, the Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal.
- Independent Custody Visiting - make and keep under review arrangements to ensure that independent custody visitors can visit detainees and access information relevant to their treatment and monitor their treatment and conditions of detention. The Authority must also prepare and publish any reports on independent custody visiting as Scottish Ministers may reasonably require.
- Complaints - maintain suitable arrangements for the handling of complaints, and seek the views of others on what those arrangements should be. The Authority must also keep itself informed about how the Chief Constable is dealing with relevant complaints in order to satisfy itself that those arrangements are suitable. The Authority is responsible for handling complaints about SPA staff and about police officers of Assistant Chief Constable rank and above.

## **The Authority's Role as a Public Body**

The Authority is a Public Body in Scotland, in the 'Other Significant National Body' category. Several statutory duties flow from this, including requirements to publish information about expenditure, senior remuneration, reports on equalities, biodiversity and climate change duties, procurement strategy, codes of conduct, records management, freedom of information and personal data processing. We are also required to comply with the 'Fairer Scotland' duty in Part 1 of the Equality Act 2010, which comes into force from April 2018 and also to report on our contribution towards the Scottish Government's National Outcomes.

The Authority has a statutory duty to make arrangements which secure best value, to keep proper accounts and to support the Auditor General by sending a copy of the statement of accounts for auditing each year.

THE AUTHORITY'S ORGANISATIONAL STRUCTURE



**SCOTTISH POLICE AUTHORITY**

**STANDING ORDERS**

**INTRODUCTION**

- 1 The Scottish Police Authority (or, in Gaelic, Ùghdarras Poilis na h-Alba) is a body corporate established in terms of section 1 of the Police and Fire Reform (Scotland) Act 2012 (the Act).
- 2 The Scottish Police 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 status and constitution of the SPA are set out in schedule 1 to the Act. Part 10 of the schedule empowers the SPA to regulate its own procedure and that of its committees and sub-committees. These Standing Orders are accordingly made.
- 4 The SPA and its Board 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**

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

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| Term                     | Meaning  |
|--------------------------|--|
| Act                      | The Police and Fire Reform (Scotland) Act 2012   |
| Board                    | The members of the SPA appointed by the Scottish Ministers in terms of the Act   |
| Business Services Team   | That part of the SPA Executive which provides professional services in connection with Board and committee meetings                      |
| 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 SPA or any person appointed or authorised by the SPA to perform the functions of the Chief Executive |
| Code of Conduct          | The Code of Conduct for members of the SPA developed in accordance with the Ethical Standards in Public Life Etc. (Scotland) Act 2000    |
| Committee                | A committee of the SPA established by the Board under paragraph 9(1) of the schedule   |
| Days                     | Working days, except where stated otherwise  |
| Member                   | A member of the SPA appointed by the Scottish Ministers under paragraph 2(2) of the Schedule   |
| Schedule                 | Schedule 1 to the Act  |
| SPA                      | The Scottish Police Authority  |
| 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 SPA at <a href="http://www.spa.police.uk">www.spa.police.uk</a>   |

**ORDINARY MEETINGS**

- 6 Prior to the beginning of each calendar year, a provisional schedule of ordinary meetings of the Board, its committees and any sub-committees shall be approved by the Board and published on the website.
- 7 The Chair or, in her/his absence, the Vice Chair, may alter the time and/or place of any particular meeting and may convene such additional meetings as may be deemed necessary for the due fulfilment of SPA functions.

**NOTICE OF MEETINGS**

- 8 Notice of ordinary meetings of the Board will be advertised on the SPA website. The notice shall include the date, time, venue and items of business to be considered at the meeting.
- 9 All meetings that allow public access will be held in venues that are accessible to people with disabilities.

**SPECIAL MEETINGS**

- 10 Where there is business that is urgent and cannot await the next ordinary meeting of the Board, a special meeting may be called by the Chair, or as a result of a written request signed by a majority of members specifying the nature of the business that they wish to discuss at such a meeting.
- 11 Notice of a special meeting of the Board shall be given in the same way as notice for ordinary meetings unless the Chair determines that the nature of the urgency requires the meeting to be held at shorter notice than otherwise required in these Standing Orders.

**EXCEPTIONAL CIRCUMSTANCES**

- 12 Where there is urgent business of the Board and it is not practicable to convene a special meeting, the Chair may under exceptional circumstances deal with the matter(s) by correspondence.
- 13 In these circumstances, relevant papers setting out the matter for decision will be provided to members by email or by post. The papers will be of the standard expected for submission to a formal meeting and will set a deadline for submission of members' views. The Chief Executive will advise the Chair of responses received and 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 members. In the event that it is not possible to reach consensus by written procedure the matter will be brought to the next meeting of the Board. Any decisions and actions arising from this procedure will be reported to the next Board meeting.

**CHAIR**

- 14 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.
- 15 Business at meetings of the Board shall be conducted through the Chair who will ensure that all members receive a sufficient opportunity to express their views on matters under discussion. The Chair shall

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promote a culture of openness and debate by facilitating the effective contribution, including constructive challenge, of members.

### **ATTENDANCE AT BOARD MEETINGS**

- 16 Participation will normally be in person but, exceptionally and with the agreement of the Chair of the meeting, 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.
- 17 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**

- 18 The quorum for Board meetings shall be a majority of current SPA 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.
- 19 The quorum of any committee or sub-committee shall be contained within their Terms of Reference.

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

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- 20 All meetings of the Board are open to be observed by members of the public and media, with the exception of meetings or parts of meetings where business is to be conducted in private.
- 21 The Board, its committees and sub-committees will hold their meetings in public except where it is determined that all or part of the meeting ought to be held in private. The 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 no consent for disclosure and/or where there is a risk of harm to any individual from the disclosure.
  - 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 SPA 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.
  - g) proposals for significant organisational change, significant changes to the terms and conditions of staff or other sensitive matters are being considered.

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- 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.
- 22 The Chief Executive, in consultation with the Chair, 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, in order to preserve the decision making role of the Board. In reaching this decision, the Chief Executive will have regard to any representations he or she receives regarding confidentiality. Reasons for considering items in private will be noted on the agenda and recorded in the minute of the meeting.
- 23 If the Board determines that all or part of a meeting ought to be held in private, any members of the public then present will be asked to leave the meeting room.
- 24 A member of the public 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 shall be at the discretion of the Chair.

**AGENDA FOR MEETINGS AND ORDER OF BUSINESS**

- 25 Advised by the Chief Executive and the Business Services Team, the agenda for a meeting shall be agreed by the Chair of the Board or committee/sub-committee Chair at least 15 days in advance of the meeting. In doing so, the respective chairs shall endeavour to ensure that

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adequate time will be available for discussion of all agenda items, particularly strategic issues.

- 26 The agenda will be circulated to members by electronic means at least 5 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.
- 27 The business of the Board, or a Committee, at all meetings will proceed in accordance with the agenda issued for that meeting unless otherwise directed by the Chair. 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**

- 28 Any member(s) of the Board, or a Committee, may ask for an item to be placed on the agenda of a meeting of the Board or that Committee, this to be done at least 15 days in advance of the meeting. The Chair of the meeting will consider the request, taking advice from the Chief Executive and the Business Services Team, 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 informed during the Chair's opening remarks.
- 29 The agenda for special meetings will be confined to the business necessitating the convening of the meeting.

### **PAPERS FOR MEETINGS**

- 30 The Business Services Team 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. The reason for that

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decision and a summary of the key points included in the presentation shall be recorded in the minute of the meeting.

- 31 Papers will be delivered to members by electronic means at least 5 days prior to the meeting. If requested, paper copies can be made available.
- 32 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.
- 33 If papers are not available for dispatch 5 days prior to the meeting, the Business Services Team may, after consultation with the Chair of the meeting and the Chief Executive, make a late posting, or table the paper(s) at the meeting, or withdraw the item(s) from the agenda of the meeting.

### CONDUCT AT MEETINGS

- 34 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.
- 35 All members will 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 language used 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 at a meeting behaves offensively or is unco-operative, a motion may be proposed and

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seconded to suspend the member for the rest of the meeting. If the motion is carried, the member must immediately leave the meeting. There will be no discussion of the motion and no changes to it.

### **ADJOURNING MEETINGS**

- 36 Meetings may be adjourned for a reasonable time if the Chair determines so, or due to disruption of the meeting or if a member proposes it, another seconds it and the members vote in favour of it. Such a proposal will be voted on without amendment or discussion.

### **VOTING**

- 37 Where there is an agenda item requiring a decision by the Board, 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 Board, 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.

### **DECLARATIONS OF INTEREST**

- 38 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

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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.

- 39 Declaring a financial interest has the effect of prohibiting any participation in discussion and voting. 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 SPA 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 satisfied, they should play no part in the discussion and should leave the meeting room until discussion of the particular item is concluded.

### **MINUTES OF MEETINGS**

- 40 Minutes will be kept of all Board and Committee meetings.
- 41 The minute will record members present, others in attendance, any apologies for absence and members or others joining or leaving the meeting.

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- 42 The minute will also record the essence of the Board’s discussion in relation to each agenda item and clear action points arising from the Board’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.
- 43 The minutes of the Board will be presented to the next ensuing meeting of the Board and shall then be approved with or without amendment as a correct record of proceedings.
- 44 Once approved, the minute of the meeting will be signed by the Chair and retained in the central record of all approved minutes of meetings.
- 45 Minutes of meetings of committees may be included on the agenda of Board meetings, even if they have not been approved by the Committee.

### **COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS**

- 46 The Board may establish committees to:
- assist and advise it in relation to the performance of any of the SPA’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.
- 47 A committee shall consist of a chair and such other members as the Board may determine. Decisions as to membership will rest with the Board.
- 48 In appointing members of 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;

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- the committee carrying out the audit function shall be denoted as a governance rather than a business committee.

49 Committees shall be related to the functions of the SPA. 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 SPA'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 and working methods should include the following details:
  - membership
  - chair
  - remit
  - reporting arrangements
  - 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 SPA's priorities or strategic and business plans.

50 The Board shall establish a committee to give an independent view in relation to audit, governance and risk. The committee will be

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denoted as a governance committee and not a business committee. While the committee will consider issues relating to audit, governance and risk management, the Board will maintain responsibility for and make the final decision on all of these areas.

- 51 The terms of reference for committees may include provision for co-option onto the membership of the Committee, however co-opted members are not entitled to vote at meetings.
- 52 Committees may establish sub-committees to assist and advise them in undertaking their responsibilities, subject to prior consultation with the Chair of the Board.
- 53 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.
- 54 Short life working 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.
- 55 The Standing Orders of the Board will apply, as appropriate, to its committees and any sub-committees.

**ATTENDANCE AT COMMITTEE MEETINGS: SPA MEMBERS**

- 56 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 of the SPA will advise the Board. The Board may remove the member from the committee.

**CHIEF EXECUTIVE**

- 57 The Chief Executive shall

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- be the principal advisor to the Board on the discharge of its functions;
- provide operational leadership;
- ensure that the Board's aims and objectives are met and that the SPA's functions are delivered and targets met through effective and properly controlled executive action;
- be assigned such functions and duties as may be delegated by the Board; and
- in consultation with the Chair, ensure that the work of the Board (and its committees and any sub-committees) is supported and serviced by the Strategic Management Team and other appropriate SPA staff.

58 The Chief Executive also holds the role of Accountable Officer (as set out in the Scottish Government's Memorandum to Accountable Officers for Other Public Bodies) for which he/she is personally answerable to the Scottish Parliament and the Board in its actions shall have full regard to the responsibilities of that role.

### RECEIVING VIEWS

59 The Board (or its 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 (or its committees or sub-committees) may also invite individuals, bodies or organisations to provide it with written submissions for consideration in advance of meetings. The Board 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.

### DISCLOSURE OF INFORMATION

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- 60 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 duties. The loss of any such documents should be reported immediately to the Chief Executive.
- 61 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**

- 62 The Chair's ruling on any question or her/his interpretation of these Standing Orders shall be final.

**REVOCATION AND REVISION OF STANDING ORDERS**

- 63 No Standing Order adopted by the Board shall be suspended at any meeting except on the agreement of a majority of the Members.
- 64 Committees and sub-committees have no power to depart from these Standing Orders
- 65 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.
- 66 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.
- 67 The Board will undertake a periodic review of Standing Orders to ensure that they remain fit for purpose.

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

### Introduction

The Authority has established an Audit, Risk and Assurance Committee (ARAC) as a Committee of the Board

The overall purpose of 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 SPA.

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 SPA Board requests of it in relation to audit, risk management and assurance and the integrity of annual reports and financial statements.

### Membership

The ARAC will comprise no more than five members including a Chair.

The Committee will be supported by the Accountable Officer, SPA staff and Police Scotland staff/officers as appropriate to the agenda.

The Committee may invite representatives of related partner organisations, as appropriate, to Committee meetings to assist with the work of the Committee.

### Reporting

- The Chair of the ARAC will report in writing to the Board after each meeting. A copy of minutes of the meeting may form the basis of the report.
- The committee will provide the Board and Accountable Officer with an Annual Report, timed to support finalisation of the accounts and the governance statement, summarising its conclusions from the work it has done during the year.

### Responsibilities

The ARAC will advise the Board and Accountable Officer on:

- 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;

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- 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.

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

### **Rights**

The ARAC may:

- co-opt additional members (such persons are not entitled to vote at meetings) for a specified period of time to provide specialist skills, knowledge and experience; and
- procure specialist ad-hoc advice at the expense of the organisation, subject to budgets agreed by the Board or Accountable Officer.

### **Access**

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**

The procedures for meetings are:

- the ARAC will meet at least four times a year. The Chair of the Committee may convene additional meetings, as he/she deems necessary;
- a minimum of two voting members of the committee will be present for the meeting to be deemed quorate;
- 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;
- the committee may ask any other officials of the organisation to attend to assist it with its discussions on any particular matter;

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- the committee may ask any or all of those who normally attend but who are not members to withdraw to facilitate open and frank discussion of particular matters;
- the Board or Accountable Officer may ask the committee to convene further meetings to discuss particular issues on which they want the committee's advice.

The Chief Executive will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.

### **Information requirements**

For each meeting the committee will be provided with:

- a report summarising any significant changes to the organisation's Risk Register; (move to when appropriate)
- a progress report from the Head of Internal Audit summarising:
  - work performed (and a comparison with work planned);
  - key issues emerging from Internal Audit work;
  - management response to audit recommendations;
  - significant changes to the audit plan;
  - any resourcing issues affecting the delivery of Internal Audit objectives;
- a progress report from the External Audit representative summarising work done and emerging findings.

As and when appropriate, the committee will also be provided with:

- business update reports from the Accountable Officer;
- the Charter / Terms of Reference of the Internal Audit Directorate;
- the Internal Audit Strategy;
- the annual Internal Audit Plan
- the Head of Internal Audit's Annual Opinion and Report;
- quality assurance reports on the Internal Audit function;
- the draft accounts of the organisation;
- the draft governance statement;
- a report on any changes to accounting policies;
- External Audit's management letter/report;
- a report on any proposals to tender for audit functions;

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- a report on co-operation between Internal and External Audit;
- a report on the Counter Fraud and Bribery arrangements and performance;
- reports from other sources within the “three lines of assurance” integrated assurance framework (eg Best Value self-assessment Reviews, Gateway Reviews, Health Check Reviews, ICT Assurance Reviews, Digital 1st Service Standard Reviews, Procurement Capability Reviews, Procurement Key Stage Reviews).

The above list suggests minimum requirements for the inputs which should be provided to the committee. In some cases more may be provided.

### **Secretariat**

A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.

Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee chair’s discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair’s discretion.

With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.

A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.

The Secretariat will be responsible for all arrangements associated with supporting the meeting.

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

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- (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.

### MEMBERSHIP AND ATTENDEES

- 3. The Chair ("the Committee Chair") and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference.
- 4. The Chair of the Authority and the Chief Executive have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair. The Chief Executive, or a nominated representative, may be required to attend meetings in an advisory capacity only. Members of the Authority's staff may also be required to attend committee meetings in order to provide legal and other advice.
- 5. Police Scotland, the Crown Office and Procurator Fiscal Service and the Police Investigations and Review Commissioner are invited to attend meetings and to participate in discussions as the Chair considers relevant and appropriate.
- 6. Her Majesty's Chief Inspector of Constabulary, or a nominated representative, may attend meetings at the invitation of the Committee Chair to provide independent policing advice.
- 7. The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items / subject areas.
- 8. All decisions made at Committee meetings must be made by members of the Authority.

MEETINGS

9. The procedures for the Committee meeting are as follows:
- (i) 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.
  - (ii) A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - (iii) Twenty one calendar days prior to each meeting the Committee Chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee Chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee Chair's discretion.
  - (iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
  - (v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting, and as soon as practicable where the meeting concerned the handling of complaints about senior officers of Police Scotland. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
  - (vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

SECRETARIAT

**OFFICIAL**

10. The Chief Executive will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.
11. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

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

### PURPOSE AND SCOPE

1. The purpose of this committee is:
  - To deal with urgent business of the Board when, in exceptional circumstances, it is not practicable for an ordinary meeting or special meeting of the Board to be convened, or for the business to be dealt with by all members of the Board by correspondence. The Committee is authorised to perform on behalf of the Board all of the Authority's functions.
  
2. Meetings will be used to:
  - Consider and deal with urgent business of the Board and recommendations from its committees when it is necessary for the fulfilment of the Authority's functions and it is not practicable to convene an ordinary or special meeting of the Board, or to have the business dealt with by all members of the Board by correspondence.

### MEMBERSHIP AND ATTENDEES

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.
6. Members of Authority staff and Police Scotland representatives may be invited to attend Committee meetings. The Chief Executive has a standing invitation to attend meetings. Any other Board Member may attend with the agreement of the Committee Chair.
7. The Committee Chair may invite external experts or representatives from external stakeholders or partner organisations for consideration of specific agenda items or subject areas.

### MEETINGS

7. The procedures for the Committee meeting are as follows:

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- (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, and/or by correspondence.
- (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 of the Board 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, provide details of the procedures to be followed in relation to notice of the meeting, agenda, and circulation of papers.
- (iv) Members may be able to join the meeting by video or teleconference if the technology is available.
- (v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
- (vi) A summary report will be prepared and used as the basis of reporting to the SPA Board in public.

### SECRETARIAT

- 8. The Chief Executive will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.
- 9. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## **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 SPA 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 SPA.
  - (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 SPA 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.
  - (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 SPA's statutory obligations as a service provider are being appropriately discharged, in particular SPA's duties in relation to the health, safety, wellbeing and equalities.

MEMBERSHIP AND ATTENDEES

3. Chair ("the Committee Chair") and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference.
4. The Chair of the Authority has a standing invitation to attend meetings. Any other Board Member may attend after consultation with the Chair of the Committee Chair.
5. 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. Members of Authority staff may also be invited to attend Committee meetings.
6. The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items / subject areas.

MEETINGS

7. The procedures for the Committee meeting are as follows:
  - (i) 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.
  - (ii) A proactive forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - (iii) Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair's discretion.
  - (iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.

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- (v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
- (vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

### SECRETARIAT

- 8. The Chief Executive will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.
- 9. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## **TERMS OF REFERENCE – LEGAL ACTIONS, CLAIMS AND APPEALS 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;
  - to authorise, where necessary, settlement of legal actions and claims against the Chief Constable and the Authority ;
  - to determine appeals from police officers whose applications for assistance with the payment of legal expenses arising from alleged unlawful conduct by them in the execution of their duties, or in connection with Fatal Accident or Public Inquiries, have been rejected by the Chief Constable, and to consider and approve the arrangements for granting such assistance;
  - 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 SPA solicitors where required.
  
2. Meetings will be used to:
  - (i) Consider and approve settlement of civil legal actions and claims against the Authority and/or the Chief Constable within the financial authorisations contained within the SPA's Governance Framework.
  - (ii) Consider and provide instructions on legal matters, including civil legal actions and claims, involving financial transactions which may be considered novel or contentious, include ethical or substantial reputational issues, or are of significant public interest;
  - (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) 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

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- result, where applications for legal assistance have been rejected by the Chief Constable;
- (v) 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;
  - (vi) Determine applications from police officers for ill health retirement and injury on duty awards;
  - (vii) 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; and,
    - granting retrospective injury on duty awards to former police officers, and to seek the agreement of the Scottish Public Pensions Agency to those decisions;
  - (viii) 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.

### MEMBERSHIP AND ATTENDEES

1. The Committee will comprise the Chair (“the Committee Chair”) and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee’s terms of reference.
2. The quorum of the Committee will be three Members including the Chair.
3. Members of Authority staff and Police Scotland representatives may be invited to attend Committee meetings. The Chair of the Authority and the Chief Executive have standing invitations to attend meetings. Any other Board Member may attend with the agreement of the Committee Chair.
4. The Committee Chair may invite external experts or representatives from external stakeholders or partner organisations for consideration of specific agenda items or subject areas.

### MEETINGS

7. The procedures for the Committee meeting are as follows:
  - (i) 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 SPA solicitors and consideration of proposed legal settlements .
  - (ii) A proactive forward looking work plan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.

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- (iii) Twenty one calendar days prior to each meeting the Committee Chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee Chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee Chair's discretion.
- (iv) In situations where a meeting is to be held to deal with a matter of urgency the arrangements set out in (iii) above may be deviated from in order to ensure the matter is dealt with expeditiously.
- (v) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
- (vi) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
- (vii) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

## SECRETARIAT

- 8. The Chief Executive will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.
- 9. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## TERMS OF REFERENCE – POLICING OF COP26 EXPENDITURE COMMITTEE

### PURPOSE AND SCOPE

8. The purpose of this committee is
  - To approve, where necessary expenditure in connection with the policing of COP 26 until such time as the budget has been approved by the Authority.
  - To provide oversight and scrutiny of Police Scotland’s expenditure in relation to COP 26 until such time as the budget has been approved by the Authority.
9. Meetings will be used to:
  - Consider the business case in support of the expenditure, and where satisfied that the expenditure is necessary, approve the expenditure in connection with the policing of COP 26 until such time as the budget has been approved by the Authority.

### MEMBERSHIP

10. The Committee will comprise the Committee Chair, David Crichton, and two other Board Members, Tom Halpin and Elaine Wilkinson.
11. The quorum of the Committee will be two members including the Chair.
12. Members of Authority staff and Police Scotland representatives may be invited to attend Committee meetings. The Chair of the Authority and the Chief Executive have standing invitations to attend meetings. Any other Board Member may attend with the agreement of the Committee Chair.
13. The Committee Chair may invite external experts or representatives from external stakeholders or partner organisations for consideration of specific agenda items or subject areas.

### MEETINGS

7. 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, and in matters of urgency, at short notice, and/or by correspondence.**
  - (ii) Twenty one calendar days prior to each meeting the Committee Chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this

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date will be accepted at the Committee Chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee Chair's discretion.

- (iii) **In situations where there is a matter of urgency, the arrangements set out in (ii) above may be deviated from in order to ensure the matter is dealt with expeditiously.**
- (v) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
- (vi) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
- (vii) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

### SECRETARIAT

- 8. The Chief Executive will ensure that appropriate support is provided to the meeting by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise.
- 9. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## **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, SPA 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 SPA Board.
  - (iii) Assess the draft Annual Review of Policing, in order to provide assurance to the Board that it contains an appraisal of performance of the SPA and Police Scotland in working towards the objectives within the Strategic Police Plan, the commitments made within the Annual Police Plan, statutory requirements including the policing principles, and ethical standards.
  - (iv) 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 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.
  - (v) In carrying out its functions, consider relevant data and research available in relation to policing which would assist in benchmarking Police Scotland's

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performance against appropriate comparators across the UK and internationally.

- (vi) 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.

### MEMBERSHIP AND ATTENDEES

- 3. The Committee will comprise the Chair ("the Committee Chair") and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference.
- 4. The quorum for the Committee will be two Members including the Chair.
- 5. Members of SPA staff and Police Scotland representatives may be invited to attend Committee meetings. The Chair of the Authority and the Chief Executive have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair.
- 6. The Committee chair may invite representatives from external stakeholders, staff associations or partner organisations for consideration of specific agenda items or subject areas.

### MEETINGS

- 7. The procedures for the Committee meeting are as follows:
  - (i) 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.
  - (ii) A forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - (iii) Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair's discretion.

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- (iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
- (v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
- vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

**SECRETARIAT**

- 8. The Chief Executive will ensure that appropriate support and advice is provided to the Committee by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise, including on the application of the Authority's Governance Framework.
- 9. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## **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 SPA Board requests of it in relation to financial sustainability, employee-related and other resourcing aspects of Police Scotland and the SPA. 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 SPA 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 SPA 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 SPA/Police Scotland Financial Regulations
  - (v) Review SPA/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 SPA'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.

### MEMBERSHIP AND ATTENDEES

3. The Committee will comprise the Chair ("the Committee Chair") and no more than three other Board Members. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference.
4. The quorum for the Committee will be two Members including the Chair.
5. Members of Authority staff and Police Scotland representatives may be invited to attend Committee meetings. The Chair of the Authority and the Chief Executive have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair.
6. The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items or subject areas.

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### MEETINGS

7. The procedures for the Committee meeting are as follows:
  - (i) 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.
  - (ii) A forward looking workplan for the year will be established, and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - (iii) Twenty one calendar days prior to each meeting the Committee chair will determine, in consultation with SPA staff and others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee chair's discretion.
  - (iv) With the agreement of the Committee Chair and the availability of technology Board Members may be able to join the meeting by video or teleconference.
  - (v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
  - (vi) A summary report will be provided to the Chair of the Authority after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board in public session.

### SECRETARIAT

8. The Chief Executive will ensure that appropriate support and advice is provided to the Committee by SPA officers through a dedicated Secretariat comprising subject specialist and other committee expertise, including on the application of the Authority's Governance Framework.
9. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

## **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 SPA's Chief Executive and senior Director level SPA 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 SPA.
  - (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 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

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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.

**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. The Committee may also include co-opted members selected for their expertise in the areas that fall within the Committee's terms of reference. Any other Board Member may attend after consultation with the Committee Chair but will not form part of the Committee
5. The (Interim) Chief Executive shall have 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. The Director of People and Development will act as advisor to the Committee. Other officers of the Authority and Police Scotland may be invited to attend for all or part of any meeting as and when appropriate for the purpose of providing such professional advice as the Committee may require. The Committee may also invite a member of the Scottish Government sponsor team or other relevant officer where this is deemed to add value to the Committee's work
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.
7. Representatives from external stakeholders or partner organisations may be invited to attend for consideration of specific agenda items/subject areas.
8. The Committee may seek external specialist advice on any matter within its remit where it considers it necessary to do so and may invite such advisors to attend meetings for that purpose.
9. All decisions made at Committee meetings must be made by members of the Authority.

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### MEETINGS

10. The procedures for the Committee meeting are as follows:
- (i) 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.
  - (ii) A proactive forward looking workplan for the year will be established and agreed by the Board, distinguishing between standing, cyclical and ad-hoc items.
  - (iii) Twenty one calendar days prior to each meeting the Committee Chair will determine, in consultation with others as necessary, the items that are to be included on the agenda for that meeting. Any items received after this date will be accepted at the Committee Chair's discretion. The agenda will be circulated to all Board Members for information. Final papers for each meeting must be submitted to the secretariat no later than 10 calendar days prior to the meeting and circulated to Board Members and other invited attendees no later than 7 calendar days prior to the meeting. Papers received after this date will be accepted at the Committee Chair's discretion.
  - (iv) With the agreement of the Committee Chair and the availability of technology, and provided it will not impact adversely on any action being taken by the Committee or the matters under discussion, Board Members may be able to join the meeting by video or teleconference.
  - (v) A draft rolling action log will be available no later than 5 calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members noting that they are still subject to formal approval at the next Committee meeting.
  - (vi) A summary report will be prepared after each Committee meeting. This will be used as the basis of quarterly reporting to the SPA Board.

### SECRETARIAT

11. The Chief Executive will ensure that appropriate support is provided to the meeting by SPA officers through (a) a dedicated Secretariat comprising subject specialist and other committee expertise and (b) the provision of

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such external specialist advice as the Committee may reasonably require to assist in the discharge of its remit.

12. The Secretariat will be responsible for all arrangements associated with supporting the meeting.

**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><br>(recommend to SG) |
| Annual Police Plan*  | <b>X</b>       |               |                               |
| Local police plans*<br>(form and manner of publication only) | <b>X</b>       |               | <b>X</b>                      |
| Long Term Strategy for Policing                              |                |               | <b>X</b>                      |
| Long Term financial Strategy for Policing                    |                |               | <b>X</b>                      |
| SPA/Forensic Annual Business Plan                            |                |               | <b>X</b>                      |
| Strategic Risk Register                                      |                |               | <b>X</b>                      |
| Internal Audit Plan  |                |               | <b>X</b>                      |
| Strategic Performance Framework                              |                |               | <b>X</b>                      |
| Annual Review of Policing*                                   |                |               | <b>X</b>                      |
| Organisational /Transformational Change Proposals            |                |               | <b>X</b>                      |
| Implementation Plan  |                |               | <b>X</b>                      |

\*Legislative requirement

**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>       |               |                               |
| Police Scotland and Authority policies for risk management |                | <b>X</b>      |                               |
| Appointment of the Chief Constable                         |                |               | <b>X</b><br>(recommend to SG) |
| Appointment of ACCs, DCCs and Senior Director level staff  |                |               | <b>X</b>                      |
| Authority's Scheme of Delegation                           |                |               | <b>X</b>                      |

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| <b>Item</b>   | <b>Consult</b> | <b>Inform</b> | <b>Approve</b>   |
|---|----------------|---------------|--|
| Police Scotland Internal Scheme of Delegation             |                |               | <b>X</b><br>(subject to recommendation by Accountable Officer) |
| Terms and Conditions of Staff                             |                |               | <b>X</b>   |
| Appointment of panels for misconduct hearings and appeals |                |               | <b>x</b>   |
| Annual Revenue & Capital budget proposals                 |                |               | <b>X</b>   |
| In-year budget changes                                    |                |               | <b>X</b>   |
| Business cases, contracts, lease agreements (above £1m)   |                |               | <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 strategies, policies and initiatives   |                | <b>X</b>      |  |

# **SCOTTISH POLICE AUTHORITY**

## **SCHEME OF DELEGATION**

## **SCHEME OF DELEGATION**

### **1. Introduction**

- 1.1 In terms of paragraph 12 of schedule 1 to the Police and Fire Reform (Scotland) Act 2012 ("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.
- 1.2 This Scheme of Delegation ("this Scheme") details the functions which the Authority has delegated to its Chief Executive to perform, and the extent of that delegation.
- 1.3 This Scheme will be reviewed by the Authority on an annual basis.

### **2. General provisions regarding delegation**

#### *Delegation to the Chief Executive*

- 2.1 With the exception of functions specifically reserved to the Board, the Chief Executive may exercise any of the Authority's functions and powers, subject to the restrictions contained in this Scheme.
- 2.2 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 approved by the Authority. In particular, decision-making must take full account of the following:
  - a) the Authority's current SPA Governance and Accountability Framework Document;
  - b) the Scottish Public Finance Manual ("SPFM");
  - c) the Scottish Government's Memorandum to Accountable Officers of Public Bodies ("the Memorandum");
  - d) the annual Budget Allocation and Monitoring Letter issued to the Authority by the Scottish Government;
  - e) all relevant legal provisions and the Authority's policies and procedures;
  - f) the Authority's Financial Regulations;
  - g) the Authority's procedures and Standing Orders relating to procurement and contracts; and
  - h) the Authority's code of conduct for staff.

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- 2.3 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.
- 2.4 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
  - d) be outside the scope of the grant in aid budget relating to police services.
- 2.5 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 2.4.
- 2.6 In the event that the Chief Executive is unable for any reason to exercise powers specifically delegated to him/her under this Scheme, the Chief Executive's nominated deputy will have authority to make decisions on his/her behalf.
- 2.7 The Board may require the Chief Executive to submit reports on decisions taken and actions authorised by him/her under this Scheme, including decisions made by members of staff under sub-delegation provisions.

*Sub-delegation by the Chief Executive*

- 2.8 The Chief Executive may sub-delegate powers to senior members of staff. Such delegations must be agreed between the Chair and the Chief Executive prior to such delegations being implemented.
- 2.9 The Chief Executive may not sub-delegate any of his/her 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 Permanent Secretary and

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Principal Accountable Officer who may appoint a substitute Accountable Officer pending the Chief Executive's return to duties.

- 2.10 Any sub-delegation of powers by the Chief Executive and the restrictions to which such powers are subject, will be detailed in a separate scheme which will be reviewed by the Authority on an annual basis.

### **3 SPA Corporate Management**

#### *General*

- 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.
- 3.2 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 by the Authority must be considered by the Board before approval is sought from the Scottish Government.
- 3.3 The Chief Executive is authorised to transfer funds between 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 Finance and Audit Committees at their next scheduled meetings.
- 3.4 Such expenditure should be reported to the Finance Committee as soon as is practicable.
- 3.5 The Chief Executive may consider and approve payment to external businesses and management consultancies up to the value of £100,000, subject to the guidance contained in the Scottish Government's Consultancy Procedures (<http://www.gov.scot/Resour.e/0041/00413130.pdf>).

#### *Staffing*

- 3.6 The Chief Executive has responsibility for the appointment of staff (subject to agreed staffing limits) and the Authority's organisational structure. 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.

3.7 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.
- d) authorise the attendance of Authority staff who are employed within the corporate functions of the Authority at training courses, conferences, seminars and other developmental activities; and
- 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.

#### **4 Authorised signatory**

4.1 The Chief Executive has authority to sign documents on behalf of the Authority in terms of the Requirements of Writing (Scotland) Act 1995 and other applicable legislation, and to sign all deeds and other documents which are binding on the Authority.

#### **5 Arrangements with the Chief Constable**

5.1 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.

#### **6 Expenditure**

6.1 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).

- 6.2 Major contracts (defined as values over £2m) require Board approval in each and every instance. The Chief Executive cannot enter into multiple contracts with the same supplier in any financial year which exceed £2m in total. Subsequent to Board approval for major contracts, the Chief Executive has delegated authority to instruct contractual payments in accordance with contractual terms.

## **7 Major Investment Projects**

- 7.1 The Chief Executive is responsible for overseeing all Major Investment Projects, as defined in the SPFM, including the establishment of appropriate processes and reviews. The Chief Executive must report progress on such matters to the Board and/or the Finance/Audit Committees.

## **8 Review of applications for Reform Funding**

- 8.1 In his/her capacity as Accountable Officer, the Chief Executive will be responsible for reviewing all business cases from both the Authority, SPA Forensic Services and Police Scotland for the draw down of reform funding once they have been approved by the Authority's Senior Management, the Senior Management of SPA Forensic Services or Police Scotland's Corporate Finance and Investment Board (as appropriate). Every business case should be supported by a benefits realisation plan to enable the return on investment of every project to be monitored and scrutinised. After reviewing a business case, the Chief Executive will act as follows :-

- (i) If the funding request is within the limits of the Chief Executive's delegated financial authority of £2m (in his/her capacity as Accountable Officer), and it does not raise matters of policy which would be of interest to the Board, and the Chief Executive approves the business case, the Authority will thereafter forward the business case to the Scottish Government for approval. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Scottish Government and will also maintain a record of all such referrals. The Chief Executive will also provide reports on a quarterly basis to both the Finance Committee and the Board of all such referrals.
- (ii) If the funding request is outwith the limits of the Chief Executive's delegated financial authority of £2m (in his/her capacity as Accountable Officer), and it does not raise matters of policy which would be of interest to the Board, and the Chief Executive supports the business case, the Chief Executive will refer the business case to

the Board for approval via the Finance Committee (or other Committee, as appropriate) for assurance purposes. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Board. If the relevant 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 forward it to the Scottish Government for approval. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Scottish Government and will also maintain a record of all such referrals.

- (iii) If the Chief Executive deems that the funding request raises matters of policy which would be of interest to the Board, and the Chief Executive supports the business case, then he/she will refer the business case to the Board for approval. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Board. If the Board duly formally approves the business case, the Authority will thereafter forward it to the Scottish Government for approval. The Authority will notify the Chief Financial Officer of Police Scotland of every such referral to the Scottish Government and will also maintain a record of all such referrals.

## **9 Property**

### *General*

- 9.1 The Chief Executive may approve routine property transactions. The provisions of the "Property: Acquisition, Disposal and Management" section of the SPFM must always be adhered to in relation to all property transactions.
- 9.2 Where the Authority has a requirement for accommodation to provide regional or national coverage, Ministerial consent will be required. 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*

- 9.3 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

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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:

- 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) the Chief Executive formally reports all property transactions to the Board on a quarterly basis; and
- e) in any circumstances the sale of more than one property to the same buyer within any financial year requires prior Board approval.

9.4 The general principle is that public bodies should obtain the best possible price on the open market when disposing of assets. The prior consent of the Scottish Ministers to a disposal of an asset at less than Market Value must be obtained.

9.5 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*

9.6 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*

9.7 The Chief Executive may approve leases – other than property/accommodation-related leases - for a period of up to five years and up to a total value of £50,000 (calculated over the term of the lease).

9.8 It is not necessary for the Chief Executive to seek the approval of the Scottish Ministers to enter into any finance-related lease. However, all

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

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

- 9.9 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). However, where a proposed lease concerns accommodation of regional or national importance, the transaction will require the consent of the Scottish Ministers following Board approval.
- 9.10 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 9.7.
- 9.11 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*

- 9.12 The Chief Executive may approve the Authority entering 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). However, where a proposed lease concerns accommodation of regional or national importance, the transaction will require the consent of the Scottish Ministers.
- 9.13 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 9.7.
- 9.14 The Chief Executive may authorise the exercise, or the non-exercise, of a tenant's lease break.

### *Miscellaneous*

9.15 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.

## **10 Other licence Agreements**

10.1 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.

## **11 Procurement/Contracts**

11.1 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.

<http://www.scotland.police.uk/assets/pdf/138327/327595/standing-orders-relating-to-contracts>.

## **12 Non-Current Asset Valuation Changes**

12.1 The Chief Executive may authorise the increase, decrease or write-off of non-current assets held by the Authority over £25,000 in value. Such adjustments will have an accumulation ceiling of £100,000 within any financial year. Write-offs which accumulate above £100,000 in any financial year require Board approval.

## **13 Transactional Services**

13.1 The Chief Executive may authorise the write-off of debt due to the Authority by a single debtor of up to £25,000 in accordance with Authority

policies, provided all reasonable means of recovery have been exhausted. Where the Chief Executive has approved the write-off of debt due by a particular debtor, any proposed write-off of a further debt owed by the same debtor requires Board approval. Write-offs have an accumulation ceiling of £100,000 within any financial year. Write-offs which accumulate above £100,000 in any financial year require Board approval.

- 13.2 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 Finance and/or Audit Committees.

#### **14 Members' Expenses**

- 14.1 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.

#### **15 Legal**

- 15.1 The Chief Executive has authority to do the following:
- a) recommend to the Legal Actions, Claims and Appeals Committee settlement of legal actions and claims against the Authority for sums exceeding £75,000.
  - b) settle claims for judicial expenses, in consultation with the Authority's Head of Legal Services;
  - c) initiate, enter into, defend and withdraw from legal actions involving the Authority, all in consultation with the Head of Legal Services;
  - d) direct the signing of court documents on behalf of the Authority;
  - e) sign, or authorise the signing on the Authority's behalf, of missives or other documents in terms of the Requirements of Writing (Scotland) Act 1995 relating to transactions involving heritable property; contracts for goods, services or works; and notices and orders relating to compulsory purchase orders; and
  - f) 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.

- 15.2 Notwithstanding the terms of 15.1a), b) and c) above any legal actions or claims (including claims for judicial expenses) involving financial transactions 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 Actions, Claims and Appeals committee for consideration and instructions regarding settlement.

## **16 Forensic Services**

16.1 The Chief Executive is authorised to enter into necessary arrangements for the provision of forensic services to the Police Service of Scotland, the Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal, within approved budget limits. 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. Any joint arrangements which have a value of over £100,000 require Board approval.

## **17 Independent Custody Visiting**

17.1 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.

## **18 Performance of Senior Officers**

- a) Perform the functions of the Authority under the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016, with the exception of the following:
- (i) all functions of the Chair of the Authority acting as the Chief Constable's reporting officer;
  - (ii) the appointment of appeal panels to conduct performance appeal meetings (regulation 19); and
  - (iii) the appointment of panels to conduct performance hearings (regulation 28).

## **19 Health & Safety**

19.1 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"). This includes taking the lead role in ensuring that Authority Members, managers and other Authority 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.

## **20 Emergency Planning**

20.1 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. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

## **21 Freedom of Information**

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

- a) the Freedom of Information (Scotland) Act 2002;
- b) the Environmental Information (Scotland) Regulations 2004;
- c) the Data Protection Act 2018;
- d) the Public Records (Scotland) Act 2011

## **22 Pensions**

22.1 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.

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.

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- c) all decisions made under (a) and (b) above must be reported to the People Committee as soon as it is practicable to do so.

**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 | Can delegate authority for budgets and associated strategic and financial management responsibilities<br><br>however,<br><br>while an Accountable Officer can delegate authority the responsibilities of an Accountable Officer cannot be delegated or shared. |
| Best Value          | Best Value is about continuous improvement, seeking to change the way things are done in a way that transforms and sustains the delivery of quality public services in Scotland.   |
| 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.  |
| Leases              | <b>Operating</b> - a lease whose term is short compared to the useful life of the asset or piece of equipment (an airliner, a ship, etc.) being leased. It is commonly used to acquire equipment on a relatively short-term basis.                             |
|                     | <b>Finance</b> - a lease that transfers substantially all the risks and rewards incidental to ownership of an asset. Title may or may not eventually be transferred.   |

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|                          |  |
|--------------------------|--|
| Major Investment Project | Investment projects with a budget of £5M+ including fees and VAT.  |
| VAT                      | All sums stated in this Scheme of Delegation are inclusive of VAT  |
| Virement                 | The term used for the process by which funds are moved between budget sections or subheads (detailed subdivisions of budget sections as set out in the Budget Documents) such that additional expenditure on one is met by savings on one or more others.  |
| Section 83               | <p>Section 83 of the Police and Fire Reform (Scotland) Act 2012:</p> <p><b>Co-operation between Scottish Police Authority and Police Service</b></p> <p>(1) The Authority and the Chief Constable may make arrangements under which –</p> <ul style="list-style-type: none"><li>(a) The Authority is to provide assistance to the Police Service or</li><li>(b) The Police Service is to provide assistance to the Authority</li></ul> |

**LIST OF LEGISLATION REFERENCED IN THIS SCHEME OF DELEGATION**

Civil Contingencies Act 2004

Requirements of Writing (Scotland) Act 1995

Police and Fire Reform (Scotland) Act 2012

Public Finance and Accountability (Scotland) Act 2000;

Land Reform (Scotland) Act 2003

Freedom of Information (Scotland) Act 2002;

Environmental Information (Scotland) Regulations 2004;

Data Protection Act 2018;

Public Records (Scotland) Act 2011

## **FINANCIAL DELEGATIONS –SPA/POLICE SCOTLAND**

The Authority's Financial Delegations are set out below. However, linked transactions which exceed any of the financial delegations as set out for the Chief Executive and/or Executive sub-group require Board approval.

Linked transactions which exceed any of the delegations as set out for the Board require Scottish Government approval. Examples of linked transactions would include, but are not restricted to:

- multiple transactions with the same organisation/individual or organisations/ individual within a group structure
- transactions with more than one organisation/individual linked by contract, memorandum of understanding or other legal framework
- transactions with more than one organisation/individual engaged in similar work types.

All financial delegations must take full account of serial transactions. The financial delegations must be regarded as cumulative. Therefore, in all circumstances full consideration must be given to the cumulative and combined effect of all financial transactions. Where the cumulative and combined effect exceeds the delegated financial authority levels set out below approval must be sought from the next highest authority level in all cases. By way of example, should the Chief Executive believe that in a heritable property transaction, a cumulative and combined effect presents itself, then it is necessary for him or her to seek Board approval prior to proceeding with the transaction. This is an underpinning rule which holds true for all transactions and financial delegation activities.

## Financial Authorisations Summary

Financial authorisation limits in respect of the Authority and Police Scotland are determined by the Board on the recommendation of the Chief Executive.

| Item   | Type of expenditure (if applicable) | Authorisation   |  |   |
|--|-------------------------------------|-----------------|--|---|
|  |                                     | Police Scotland | Chief Executive/Accountable Officer                    | SPA Board / SG  |
| Transfer funds between headings and between capital projects | Authority Staff                     |                 | up to £200,000   | Over £200,000. (1% Cumulative Annual Variation Allowed)   |
|  | Other costs                         |                 | up to £200,000   | Over £200,000.(2.5 % Cumulative Annual Variation Allowed) |
| Heritable Property   | Routine Purchase                    | N/A             | Up to £1m  | To SG over £1m up to £2m                                  |
|  | Routine disposal                    | N/A             | Up to £1m (provided market value met.)                 |   |
|  | Non routine disposal                | N/A             | All to CEO (on to Board)                               | All to Board (on to SG)                                   |
| Leases   | Operating lease                     |                 | Up to £50,000 and up to a period of 5 years            | To SG exceeding £50,000 or more than 5 years              |
| Tenders & Contracts  | Award of Goods & Services           | Up to £500,000  | From £500,000 to £1m                                   | From £1m up to £2m  |
|  | Award of Works (construction)       | Up to £500,000  | From £500,000 to £2m (OJEU Threshold) (to SG over £2m) | From £2m to £4m (OJEU Threshold) (to SG over £2m)         |
|  | Extension                           |                 | Over £1m   |   |
|  | Non-competitive                     | Up to £25,000   | From £25,000 to £1m (on to                             | Over £1m (on  |

**OFFICIAL**

| Item   | Type of expenditure<br>(if applicable)                | Authorisation                |  |  |
|--|---|------------------------------|--|--|
|  |   | Police Scotland              | Chief Executive/Ac countable Officer     | SPA Board / SG   |
|  | action (NCA)  |                              | SG)                                      | to SG)   |
| External Businesses & Management Consultancies |   |                              | up to £100,00 (to SG over £100K)         | Over £100,000 (to SG over £100K)                             |
| Capital Investment (Major Projects)            | Investment appraisal/<br>business case                |                              | Up to £2m                                | To SG over £2m   |
| Legal  | Settling legal actions & claims against the Authority |                              |  | Over £75,000 to Legal Actions, Claims and Appeals Committee  |
|  | Settling legal actions & claims against the CC        | Up to and including £75,000. |  | Over £75,000 to Legal Actions, Claims and Appeals Committee. |
| Write off, bad debt/losses                     |   |                              | Up to £25,000 (to max. £100k within F/Y) | From £100,000 (accumulated over F/Y)                         |