

LETTER SENT VIA EMAIL ONLY

Ms Gill Imery QPM
HM Chief Inspector of Constabulary
HMICS
St Andrew's House
EDINBURGH
EH1 3DG

26 November 2019

Dear Gill

**HMICS THEMATIC INSPECTION OF SCOTTISH POLICE AUTHORITY (SPA)
- RESPONSE**

I refer to your correspondence to the Chair of 25 September 2019 enclosing a copy of the HMICS Thematic Inspection of the Scottish Police Authority (SPA), and on which I am responding on behalf of the Authority.

The inspection report was published on my first full day in the role of Interim Chief Executive of the SPA and consideration of it with the Members and staff of the Authority, and how we use its finding to inform the important work we have ahead of us, have been key parts of my early weeks in the job.

Throughout my professional career in public finance I have always welcomed and valued independent professional inspection and audit as a means of driving improvement, and that will continue to be an approach I champion within the policing system.

As you know, the Authority warmly welcomed the original Terms of Reference for the Thematic Inspection when they were published, and in particular the scope to look at the roles and interfaces that the SPA has with other bodies within the policing system.

In reviewing the final report, and from discussion with the Chair, Members and staff, I understand why the Authority considers that the benefits of the inspection have not been fully realised.

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There are always lessons to be learned in terms of this kind of work – in methodology, processes, engagement and assessment. Clearly there has been a considerable commitment of time, energy and resource from both an HMICS and Authority viewpoint. While the Authority fully appreciates that it is for you to consider how to structure the approach you take in the future, we would like to take up your commitment to encouraging feedback and would welcome the opportunity to jointly reflect with you and our respective sponsors in the Scottish Government on these matters.

The public acknowledgement of improvements that have taken place in the Authority over the past two years is welcomed. It is important to now have the required time and space to make further progress.

In large part the Authority concurs with the identification in the report of the continuing areas of weakness in the SPA and the wider policing governance system, many of which the Authority itself has identified and publicly reported on. The Authority takes a different view on some of the report's analysis and key findings and it is important in terms of transparency that I raise these with you now on its behalf.

Firstly, the report makes regular use of the terms 'executive' and 'non-executive' and suggests that the Chair and Board Members are acting out with their non-executive role. In doing so the report draws heavily on the generic *On Board* guidance but does not adequately or accurately reflect the distinctive nature of the Authority as set out in its founding legislation and associated frameworks, objectives etc.

As Chief Executive, I am very clear that when we are talking about the Authority we are talking about the Chair and the Members. The obligations and responsibilities that are placed upon Members, and in particular the Chair, are considerable and wide-ranging in comparison to the public sector norm. The Authority exists to oversee the police service and the forensic service. That is the primary non-executive and executive relationship. It is then for the Authority, to appoint individuals to support it to carry out its functions, which is where my team and I come in. Another key distinction is that the Authority exists to provide a clear separation between Ministers and the police and that requires a greater degree of autonomy in its operations than would apply to most other public bodies.

So, it is on clarifying this whole set of relationships, not just those between appointed Members and their employed support staff, that we should concentrate energy and thought. The work which has now been initiated by the Scottish Government to review the current SPA Governance and Accountability Framework is very important in this regard.

Secondly, the report suggests a lack of clear vision and strategy based on the fact that there is not a current SPA 'corporate plan'. The core statutory functions of the Authority are clear and the long-term strategy for policing, *Serving a Changing Scotland*, sets out the strategic priorities for policing which apply to the work of both the SPA and Police Scotland. While the Chair has articulated the need for the SPA to be more strategic, assertive and outward facing, this is about the culture, systems and practices to be achieved by ongoing organisational development work and not an issue of requiring a separate vision or strategy.

Thirdly, and this is something that I have also become more fully attuned to since I took up the role, the report could do more to fully acknowledge the extent of the weaknesses and fragilities that have been inherent in the policing system since its inception in 2013 due to a lack of planning and design in the early years of police reform - including the initial build of the SPA as a corporate body. These are not recent or new issues nor do they begin and end with the SPA. With specific regard to the SPA's corporate support, developing the right mix of capability, culture, and performance – and not simply a focus on scale and capacity - is central to the work I am now leading on organisational design and development.

The Authority will of course draw upon the report, its recommendations and associated documentation as we continue to take forward the development of the SPA in the period to come, just as we have reflected on previous HMICS reports, those of Audit Scotland, and of the Scottish Parliament and its Committees.

Rather than develop a separate action plan, we believe it would be more efficient, effective and sustainable to progress the various strands of work already referenced and to continue to liaise with HMICS as we do so. Regular public reports will also continue to be given by myself and the Chair at meetings of the Authority.

As Interim Chief Executive, I will be the senior Single Point of Contact (SPOC) for you as HM Chief Inspector and I am keen to engage with you and involve HMICS in this improvement journey going forward.

I have set out thematically a number of key areas of ongoing work which connect and overlay with your recommendations. They are:

ORGANISATIONAL DESIGN

A systematic process of organisational improvement, design and development is currently underway based on the following key principles:

- Alignment to statute and core purpose
- Flexibility and agility
- Authoritative, professional and evidence-based
- Publicly accountable

I am working closely with the Chair and Members in taking forward this work and staff are involved in the design process. The Chair, Members and I are committed to ensuring staff wellbeing and recognise that this can best be achieved by building an effective, professional and well-managed organisation.

The Authority shares the concern of HMICS that the 2018/19 Improvement Plan was not fully implemented. The Chair has asked me to review progress against this plan so that officers take forward work that has not been completed and provide a fresh management Improvement Plan for the 2020/21 financial year.

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Ensuring the organisation has the capability, systems and culture to support open channels of communication with its key stakeholders, including our staff associations and trade unions will be a key component of the organisational design work underway. Going forward, the Authority is committed to further develop and mainstream these communication channels as well as developing wider stakeholder engagement, building on work to date and to ensure high standards of openness and transparency are maintained.

The Authority believes the action being taken on organisational development and improvement will address Recommendations 1, 7 and 9 contained within HMICS's Thematic Inspection.

CLARIFYING ROLES AND RESPONSIBILITIES

There are a number of recommendations made to both the Scottish Government and the SPA in respect of roles and responsibilities. While noting that aspects are for the Scottish Government to respond to, the Authority is of the view that the Police and Fire Reform (Scotland) Act 2012 and a range of associated documentation makes many of these distinctions very clear, not least in respect of the Authority's public accountability, its responsibility to hold the Chief Constable to account and to maintain the police service.

However, the Authority agrees that there is more that can be done to better articulate its role and activities. We have been doing this in a range of our own publications and communications channels and will continue to do so. We are also preparing a discussion document which we will share with HMICS and key partners in the near future as an aid to developing 'system-wide' clarity on the post-police reform policing governance and accountability arrangements. As previously mentioned, we are actively engaged with the Scottish Government to review, update and renew the Governance and Accountability Framework between Government and the Authority.

In addition, the designation, role and functions of the Accountable Officer have been under active consideration by the SPA's Governance Development and Improvement Group for several months. The Scottish Government and Police Scotland are represented on this group. Ultimately, of course, the designation of the Accountable Officer is a matter for the Scottish Government.

In respect of reserved policing matters, you will appreciate that this is a complex area. By definition the Scottish Government and its agencies are not responsible for reserved matters however the Authority is actively engaged on an ongoing basis with both the Scottish Government and Police Scotland on how best to manage and navigate this complex terrain – some of which is a live issue in relation to the UK's exit from the EU.

The Authority believes the action being taken on clarifying roles and responsibilities will address Recommendations 2, 3, 4 and 6 contained within HMICS's Thematic Inspection.

STRENGTHENING SPA GOVERNANCE

The SPA's internal governance and its governance of policing is subject to continuous development and improvement. The SPA's Governance Development and Improvement Group (GDIG) was established earlier this year, is chaired by the SPA Chair, and includes representation from both Police Scotland and the Scottish Government. The GDIG has identified and is progressing a range of governance improvements, including reviewing and refocusing the work of some of the SPA's Committees.

Over recent months, work has also been undertaken led by Vice Chair David Crichton and supported by SPA officers, to develop a robust approach to the Authority's governance and oversight of transformational change. That has resulted in a number of recommendations to strengthen and improve the Authority's oversight of transformational change and build on our existing governance and oversight at both Authority and Committee level.

I have now been asked by the Vice Chair to progress this work to the next phase of implementation, ensuring that the outputs to date take account of the assurance mapping exercise currently being progressed through the SPA Audit Committee, dependencies with organisational development and design work and advice provided by our key stakeholders, including HMICS.

I will bring forward a further report on this matter in the New Year.

As is acknowledged in your report, the Authority has also increased its engagement with both COSLA and individual local authorities. Enhancing the Authority's link between local and national policing is important to us and we are working with COSLA to develop and improve that. While it is not within the scope of existing statute for the SPA to co-opt anyone to the Board, the Authority is open to co-opting appropriate local government representation onto one or more of our Committees. The Chair and I have already opened up a dialogue with COSLA and local authorities on this at the recent COSLA Scrutiny Conveners' Forum (at which HMICS were also represented).

In respect of the governance of Forensic Services, on a quarterly basis the Authority and its Forensic services (FS) Committee hold the FS Director to account in relation to performance and delivery. The FS Committee is linked into the other formal SPA Committees through cross representation by Members and also cross-committee consideration of relevant issues, for example management responses to audit recommendations. The work plan of the FS Committee continues to evolve and the outstanding recommendations from previous HMICS reports are progressing well in the delivery of the key recommendation to have a Forensic Services Strategy. These will be a continuing area of focus. The FS Committee and the Director of Forensic Services are currently developing options on the future structure and this will be progressed through the appropriate oversight and organisational procedures.

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The Authority believes the actions being taken to strengthen governance, coupled with the organisational design work will address Recommendations 5, 8, 10, 11, 12, 13 & 14 contained within the HMICS's Thematic Inspection.

I hope this information is helpful and reassures you that work is well underway which will address the concerns which both the Authority and HMICS have highlighted, and which will enable us both to play our respective parts in improving the policing of Scotland.

I would welcome the opportunity to discuss this with you and will ask my office to get in touch with you to arrange for us to meet as soon as diaries permit.

Kind Regards

A handwritten signature in black ink that reads "Lynn Brown". The signature is written in a cursive style with a large, stylized initial 'L'.

LYNN BROWN OBE
Interim Chief Executive