

Meeting	Authority Meeting
Date	23 March 2022
Location	Video Conference
Title of Paper	SPA Governance Framework
Presented By	Chris Brown, Acting Chief Executive
Recommendation to Members	For Approval
Appendix Attached	Appendix A – Standing Orders Appendix B – Committee Terms of Reference Appendix C – Scheme of Delegation Appendix D – Matters Reserved for the Board

PURPOSE

The paper provides detail of the work undertaken to review the Authority's Corporate Governance Framework.

Recommendations support more effective and efficient governance processes with updates being proposed to the Authority's:

- Standing Orders
- Committee Terms of Reference
- Scheme of Delegation
- Matters Reserved for the Board

This paper is submitted for Members' approval.

1. BACKGROUND

- 1.1 The Corporate Governance Framework of the Scottish Police Authority is made up of a suite of documents which currently comprise:
- Scottish Government's Governance and Accountability Framework Document of the Scottish Police Authority
 - SPA Standing Orders
 - Committee Terms of Reference
 - Matters Reserved for Board
 - SPA Scheme of Delegation
 - Temporary Terms of Reference
- 1.2 The Authority's Corporate Governance Framework was last reviewed in 2019/2020. This was a comprehensive review and a refreshed Corporate Governance Framework was approved by the Authority on 25 November 2020.
- 1.3 The Authority is committed to regular review of its Governance arrangements. A review requested by the Chair in autumn 2021, under the sponsorship of the Vice Chair, has focused on enhancing the operation of the Authority's governance by:
- Simplifying arrangements
 - Reducing any duplication
 - Increasing clarity
 - Increasing delegated authority where appropriate
 - Resolving any outstanding business from 20/21 review
- 1.4 The review process has been divided in two phases. Phase one comprises a review of the Authority's Standing Orders, Committee Terms of Reference, Scheme of Delegation, and updated provisions for Matters Reserved for the Board. The outputs from phase one are appended here for approval.
- 1.5 Phase two work is looking at updates to the Authority's Financial Regulations, delegations and protocols. These are subject to ongoing engagement with Police Scotland and the Scottish Government and will be presented to a future Authority meeting in the coming months.
- 1.6 The recommendations presented as part of this Phase 1 suite of documents have been informed through engagement with members, Forensic Services and Police Scotland.

- 1.7 Updates to the Scheme of Delegation in relation to the approval of non-operational overseas deployments under s.87(3) of the Police Fire and Reform (Scotland) Act 2012 have been subject to significant engagement with Police Scotland to review and enhance the oversight of overseas development activities.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 Overall, the review process has concluded that the Corporate Governance Framework is effective and working well, with minimal changes to standing orders and committee terms of reference required. The recommended updates are summarised below with updates and deletions clearly highlighted in the attached appendices.

3. UPDATES TO STANDING ORDERS

- 3.1 The Standing Orders have been amended to update flexibility and better support the operation of the Authority's committees, with a new facility for committee member substitutions.
- 3.2 There is a new requirement for each committee to provide a succinct short annual report to the Board.
- 3.3 Language has been updated throughout the Standing Orders to update any reference to "his/ her" to "their". References to minutes of meetings have been updated to "minute or record" of meetings recognising that recordings of meetings are also available.

4. UPDATES TO COMMITTEE TERMS OF REFERENCE

- 4.1 All committee terms of reference have been updated to remove the maximum number of committee members to allow greater resilience and flexibility.
- 4.2 The temporary terms of reference for the legacy Resources Committee and Succession Planning and Appointment Committee have been removed.
- 4.3 The **Audit and Risk Committee** terms of reference include delegated authority to approve the Internal Audit Plan, currently a matter reserved for the board. This is standard practice across a wide range of public and private sector organisations, and is in line

with guidance from the UK Financial Reporting Council, and Scottish Government guidance for public body board members.

- 4.4 The **Forensic Services Committee** terms of reference have been updated throughout to refer to "Forensic Services" rather than "the Forensic Service".
- 4.5 The **People Committee** terms of reference include new delegated authority to approve HR policies, currently a matter reserved for the board. Language has also been updated to increase clarity on the powers transferred to the People Committee from the former Succession Planning and Appointments Committee.
- 4.6 The **Policing Performance Committee** terms of reference include delegated authority to agree enhancements to the agreed Performance Framework. Approval of the overall Performance Framework remains a matter reserved for the Board
- 4.7 The **Resources Committee** terms of reference include the authority to approve business cases and contracts, in line with the provisions and limits set out in the Authority's Financial Regulations
- 4.8 Updates also set out more explicitly the Resources Committee's role with regard to the finance implications of pay negotiations, changes to staff terms and conditions and redundancy.
- 4.9 There are also new references to the Resources Committee's role in seeking assurance that police pension schemes for officers and staff are effectively maintained and workforce planning is integrated with strategic and financial planning processes.

5. CHANGES TO THE SCHEME OF DELEGATION

- 5.1 Updates to the Authority's Scheme of Delegation are summarised below:
- 5.2 There are enhanced delegations to the Director of Forensic Services, such that the Director of Forensic Services can instruct SPA Legal to undertake work on their behalf.
- 5.3 There is a new delegated authority for the Chief Executive to carry out the Authority's functions under section 87(3) of the Police and Fire Reform (Scotland) Act 2012, for example arranging with the

consent of the Chief Constable international development deployments.

- 5.4 The existing delegated authority to the Chief Executive, to approve applications from police officers for ill health retirement and injury on duty awards, is included in the Scheme of Delegation.
- 5.5 The Scheme clearly sets out the requirement for decision making to take account of the Authority's Financial Regulations and delegations, any relevant guidance issued by the Scottish Government, and all governance guidelines approved by the Authority.
- 5.6 Material which duplicates detailed provisions set in the Financial Regulations, and which will automatically become out of date with any update to Financial Regulations, has been removed. The Scheme of Delegation instead refers directly to the Financial Regulations for more detail on relevant provisions.
- 5.7 The reference to delegated authority to the Chief Executive with regard to Reform Funding is removed as a correction. The allocation of Reform Funding is an Accountable Officer responsibility set out in the Financial Regulations, rather than an Authority function which has been delegated to the Chief Executive. The use of Reform Funding is included in Members' consideration and oversight of financial strategies, resource planning and allocation.

6. CHANGES TO MATTERS RESERVED FOR THE BOARD

- 6.1 Minor updates are proposed to matters reserved for the Board. Approval of Police Scotland and SPA policies for People has been removed, to reflect the delegation of this responsibility to the People Committee.
- 6.2 Approval of the Internal Audit Plan is removed, to reflect the delegation of this responsibility to the Audit and Risk Committee.
- 6.3 Approval of key enabler strategies is included. This refers to the strategies which are critical to the delivery of the Strategic Police Plan for example the Estates Strategy, Digital Data and ICT Strategy, and Workforce Strategy, and recognises what has been standard practice.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications in this report.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications associated with this paper.

9. LEGAL IMPLICATIONS

9.1 The Scheme of Delegation now provides the Director of Forensic Services with authority to instruct SPA solicitors in legal matters concerning Forensic Services.

10. REPUTATIONAL IMPLICATIONS

10.1 There are no reputational implications associated with this paper.

11. SOCIAL IMPLICATIONS

11.1 There are no social implications associated with this paper.

12. COMMUNITY IMPACT

12.1 There are no community implications associated with this paper.

13. EQUALITIES IMPLICATIONS

13.1 The updates recommended clarify and improve the accessibility of the Authority formal governance processes making it easier to understand.

14. ENVIRONMENT IMPLICATIONS

14.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are invited to:

- 1) Approve the revised Standing Orders at Appendix A
- 2) Approve the revised Committee Terms of Reference at

Appendix B

- 3) Approve the Revised Scheme of Delegation at Appendix C
- 4) Approve the Revised list of Matters Reserved for the Board at Appendix D.

APPENDIX A

STANDING ORDERS

INTRODUCTION

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

INTERPRETATION

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

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

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ORDINARY MEETINGS

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

SPECIAL MEETINGS

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

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

EXCEPTIONAL CIRCUMSTANCES

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

CHAIR

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

ATTENDANCE AT BOARD MEETINGS

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

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

QUORUM

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

ATTENDANCE OF THE PUBLIC AND PRESS

- 19 All meetings of the Board, its Committees and Sub-Committees are open to be observed by members of the public and media and will be held in a public venue or by way of video/teleconference, with the exception of meetings or parts of meetings where business is to be conducted in private.
- 20 Circumstances in which meetings may be held in private include where:
- a) information relating to identified or identifiable individuals (including members of staff) could be disclosed where there is a risk of a breach of data protection legislation.
 - b) public discussion of the information may prejudice any police operation or the prosecution of offenders.
 - c) disclosure of information could prejudice national security.
 - d) matters to be discussed are the subject of legal proceedings (including misconduct or disciplinary proceedings) or where the information to be discussed consists of or includes legal advice provided to the Authority or to a third party.
 - e) an obligation of confidentiality exists in respect of the information to be discussed.
 - f) confidential commercial or financial information not already in the public domain could be disclosed.
 - 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.
- 21 In relation to meetings the chair of that meeting shall make a preliminary assessment of items that are likely to be considered in private for the purpose of issuing the agenda and determining those papers which require to be published in advance of the meeting. Parties presenting an item which they are of the view should be considered in private should make representations to the chair of the meeting setting out their reasons for reaching that view, in order that the chair may have regard to this when making ~~their~~ ~~his/her~~ preliminary assessment. Reasons for considering items in private will be noted on the agenda and recorded in the minute of the meeting. The Members at the meeting will have the final decision in relation to which items are to be considered in private.
- 22 If all or part of a meeting is to be held in private, any members of the public or media then present will be asked to leave the meeting.
- 23 A member of the public or media who disrupts the business of the meeting may be asked to leave the meeting after due warning has been given. Re-admission to that or other public meetings held by the Board, Committee or Sub-Committee shall be at the discretion of the chair of the meeting.

MEETING ATTENDEES

- 24 The Chief Executive has a standing invitation to attend meetings of the Board, Committees and Sub-Committees. Authority staff may also be required to attend meetings to provide advice.
- 25 The chief constable or his/her representative may be required to attend meetings of the Board, Committees and Sub-Committees to provide such reports, statistics or other information relating to the Police Service, police functions or the state of crime as the Authority may reasonably require, in accordance with section 84(3) of the Act.
- 26 The chair of the Board, Committees or Sub-Committees may invite individuals, bodies or organisations to attend meetings, provide

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

NOTICE OF MEETINGS

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

AGENDA FOR MEETINGS AND ORDER OF BUSINESS

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

GIVING NOTICE OF A MATTER TO BE CONSIDERED

- 31 Any Member(s) of the Board, Committee or Sub-Committee, may ask for an item to be placed on the agenda of a meeting of the Board or that Committee or Sub-Committee. This to be done at least 21 days in advance of the meeting. The chair of the meeting will consider the request, taking advice from the Chief Executive and appropriate Authority

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officers as appropriate. If the chair decides not to include the item on the agenda, the Member will be advised and the Board or relevant Committee or Sub-Committee informed during the chair's opening remarks.

- 32 The agenda for special meetings will be confined to the business necessitating the convening of the meeting.

PAPERS FOR MEETINGS

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

CONDUCT AT MEETINGS

- 38 The chair is responsible for:
- maintaining order and good conduct at meetings;
 - ensuring that business is conducted appropriately;

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- ensuring that all members are given a reasonable opportunity to express their views on matters under discussion; and
- dealing with any question of order raised at a meeting.

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

ADJOURNING MEETINGS

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

VOTING

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

42 No decision of the Board, a Committee or Sub-Committee may be reconsidered within 6 months of the date of making the previous decision, except where:

- i. required by law;
- ii. the original decision cannot be implemented due to reasons out with the control of the Authority, or

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- iii. there has been a material change in circumstances.

DECLARATIONS OF INTEREST

- 43 In line with the requirements of the Code of Conduct, individual Members must consider at the earliest stage possible whether they have an interest to declare in relation to any matter that is to be considered. They should consider whether agenda items for meetings raise any issue of declaration of interest. A declaration of interest must be made as soon as practicable at a meeting where that interest arises. If the need for a declaration of interest is identified only when a particular matter is being discussed the Member must declare the interest as soon as they realise it is necessary to do so. The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of the interest but need not give a detailed description of it.
- 44 Declaring a financial interest has the effect of prohibiting any participation in discussion and voting, and the Member should leave the meeting room until discussion of the particular item is concluded. A declaration of a non-financial interest involves a further exercise of judgement by the Member concerned. They must consider the relationship between the interests that have been declared and the particular matter to be considered and relevant individual circumstances surrounding the particular matter. In the final analysis the objective test is whether, in the particular circumstances of the item of business, and knowing all the relevant facts, a member of the public, acting reasonably, would consider that the Member might be influenced by the interest in their role as a Member of the Authority and that it would therefore be wrong to take part in any discussion or decision-making. If a Member, in conscience, believes that their continued presence would not fall foul of this test, then declaring a non-financial interest need not preclude their involvement in discussion or voting. If they are not confident about whether or not the objective test is satisfied, they should play no part in the discussion and should leave the meeting room until discussion of the particular item is concluded.

ACTION LOGS

- 45 A rolling action log will be kept for the Board, and all Committees and Sub-Committees.

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

MINUTES OF MEETINGS

- 48 A minutes **or record** will be kept of all Board, Committee and Sub-Committee meetings.
- 49 The minute/**record** will record Members present, others in attendance, any apologies for absence and Members or others joining or leaving the meeting.
- 50 The minute/**record** will also record the essence of the Board/Committee/Sub-Committee's discussion in relation to each agenda item and clear action points arising from the Board/Committee/Sub-Committee's decisions including timelines and responsibility. For ease of reference, minutes will be read in conjunction with the agenda and papers for the meeting which will be referenced where appropriate in the minute.
- 51 Draft minutes/**record** will be available to the chair of the Board/Committee/Sub-Committee no later than 14 days after the meeting.
- 52 The minutes/**record** of the Board, Committee or Sub-Committee will be presented to the next ensuing meeting of the Board, Committee or Sub-Committee as appropriate, and shall then be approved with or without amendment as a correct record of proceedings.
- 53 Once approved, the minute/**record** of the meeting will be signed by the chair of the meeting and retained in the central record of all approved minutes of meetings.
- 54 Minutes/**records** of meetings of Committees and Sub-Committees may be included on the agenda of Board meetings, even if they have not been approved by the Committee or Sub-Committee.

COMMITTEES AND SUB-COMMITTEES

- 55 The Board may establish **C**ommittees to:

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- assist and advise it in relation to the performance of any of the Authority's functions as may be determined by the Board from time to time; or
 - perform such functions as may be delegated from time to time.
- 56 A Committee shall consist of a chair and such other Members as the Board shall determine.
- 57 In appointing Members to a Committee, the Board shall have regard to the following principles:
- the membership shall reflect the range of qualifications and experience necessary for the proper and effective performance of the functions of the Committee;
 - the Committee overseeing the audit function shall be denoted as a governance rather than a business **C**committee.
- 58 **The Chair may appoint a substitute Member to a Committee or a Sub- Committee if an ordinary Member of that Committee or Sub-Committee is unable to attend for the whole of the meeting. The substitute Member will have all the powers and duties of any ordinary Member of the Committee or Sub-Committee.**
- 59 Committees shall be related to the functions of the Authority. In setting **e**Ccommittee terms of reference, the Board will have regard to the following principles:
- the Board may delegate to its Committees such of the Authority's functions as it considers appropriate, subject to such limitations as may be prescribed by the Board and with such terms of reference and powers as it may determine.
 - Committees will have defined terms of reference which will be reviewed as necessary but at least every two years.
 - care shall be taken to ensure that the terms of reference and working methods of Committees add value to the Board's work and not layers.
 - at a minimum, the terms of reference should include the following details:
 - membership and quorum
 - remit

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

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- 67 Committees and/or Sub-Committees may have joint meetings to discuss matters which falls within each of the Committee or Sub-Committees remit. Each Committee and Sub-Committee at the joint meeting must be quorate. Members of the Committees and/or Sub-Committees present at the meeting will chose one of their number to chair the meeting.

WORKING GROUPS AND OVERSIGHT GROUPS

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

CO-OPTION OF MEMBERS TO COMMITTEES AND SUB-COMMITTEES

- 69 Paragraph 9 of ~~the~~ Schedule 1 to the Act allows for members of a Committee or Sub-Committee to include persons who are not Members of the Authority, but such persons are not entitled to vote at meetings.
- 70 Co-opted members are appointed at the discretion of the Committee or Sub-Committee Members. In deciding whether it is appropriate to co-opt a member to the Committee or Sub-Committee consideration must be given by the Members to what expertise is required by the Committee or Sub-Committee to allow it to fulfil its remit, and thereafter agree the specification of the skills and experience being sought through co-option.
- 71 Upon decision of the Committee or Sub-Committee that co-opted members shall be appointed, nominations for experts having the required skill set shall be invited. Nominations are to be accompanied by a recommendation specifying the nominee's competence and a detailed CV to support the expertise required. Nominees for co-opted membership may be invited to present themselves to the Committee or Sub-Committee in advance of the Committee or Sub-Committee making an appointment. The Committee or Sub-Committee chair shall seek approval from the Board for appointment of the co-opted member.
- 72 The position will be subject to a vetting process which may include both security and disclosure checks.
- 73 Co-option is intended to provide specific skills for a fixed term as determined by the Board, up to a maximum period of 2 years. On ceasing to be a member, a person is eligible for reappointment.

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- 74 A co-opted member may terminate their membership by giving one month's written notice to the Committee or Sub-Committee chair.
- 75 Co-opted members will be required to follow the SPA Code of Conduct for Board members, and the associated disclosure requirements, and their appointment may be terminated by the Committee or Sub-Committee chair, subject to the approval of the Board.
- 76 The co-opted member shall attend an induction briefing prior to attending their first Committee or Sub-Committee meeting.
- 77 Travel and any reasonable subsistence expenses incurred while fulfilling the duties of a co-opted member will be reimbursed.

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

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

CHIEF EXECUTIVE

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

DISCLOSURE OF INFORMATION

- 81 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.
- 82 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.

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INTERPRETATION

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

REVOCATION AND REVISION OF STANDING ORDERS

- 84 No Standing Order adopted by the Board shall be suspended at any meeting except on the agreement of a majority of the Members.
- 85 Committees and Sub-Committees have no power to depart from these Standing Orders
- 86 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.
- 87 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.
- 88 The Board will undertake a periodic review of Standing Orders to ensure that they remain fit for purpose.

APPENDIX B

TERMS OF REFERENCE:

AUDIT, RISK AND ASSURANCE COMMITTEE

PURPOSE AND SCOPE

1. The overall purpose of the Audit, Risk and Assurance Committee (the ARAC) is to provide oversight and scrutiny of all significant audit and risk matters concerning the Authority and Police Scotland. The ARAC will seek evidence and provide advice and assurance to the Board that the appropriate levels of internal controls are in place across both Police Scotland and the Authority. In addition, the ARAC will provide advice and assurance to the Accountable Officer and Board on these matters and any other specific items which the Board requests of it in relation to audit, risk management and assurance and the integrity of annual reports and financial statements. **The ARAC will also consider and approve the Authority's Internal Audit Plan on behalf of the Board.**
2. Meetings will be used to consider:
 - (i) the strategic processes for risk, control and governance
 - (ii) 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
 - (iii) the planned activity and results of both internal and external audit
 - (iv) **approval of the Authority's Internal Audit Plan**
 - (v) the adequacy of management response to issues identified by audit activity, including external audit's management letter/report, **and to issues identified by other external bodies such as HMICS and ICO;**
 - (vi) the effectiveness of the internal control environment;
 - (vii) assurances relating to **the effectiveness** of the corporate governance **arrangements requirements** for the organisation

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- (viii) proposals for tendering for internal audit services or for purchase of non-audit services from contractors who provide audit services; and
 - (ix) anti-fraud policies, whistle-blowing processes, and arrangements for special investigations
 - (x) such other matters as required by the Board
 - (xi) and to advise the Board and the Accountable Officer on these matters.
3. In addition the ARAC will provide the Board and Accountable Officer with an Annual Report, timed to support finalisation of the accounts and the governance statement, summarising its conclusions from the work it has done during the year.
4. The ARAC will also periodically review its own effectiveness and report the results of that review to the Board and Accountable Officer.

SPECIALIST ADVICE

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

MEMBERSHIP AND ATTENDEES

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

ACCESS

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

MEETINGS

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

DRAFT

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

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

MEMBERSHIP

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

MEETINGS

5. The Committee will hold at least four 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

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and effective complaints handling and to comply with timescales stipulated in legislation.

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EXCEPTIONAL CIRCUMSTANCES COMMITTEE

PURPOSE AND SCOPE

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

MEMBERSHIP

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

MEETINGS

6. The procedures for the Committee meeting are as follows:
 - (i) The number of meetings will be dependent upon the nature and extent of the Committee's business. Meetings will be held where necessary in matters of urgency at short notice.
 - (ii) Items of business must be submitted with a clear rationale explaining the exceptional circumstances and the urgency that make it necessary for the Committee to deal with the

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business. The Committee Chair shall determine whether exceptional circumstances requiring urgent business to be dealt with by the Committee exist.

- (iii) Meetings of the Committee will be held to deal with matters of urgency and the Committee Chair will, on a case by case basis, provide details of the procedures to be followed in relation to notice of the meeting, agenda, and circulation of papers.

DRAFT

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 ~~S~~section 31 of the Police and Fire Reform (Scotland) Act 2012. The committee will provide advice and seek assurance on the delivery of forensic services by providing constructive challenge and contributing to planning and future development of Forensic Services. The committee will make recommendations to the Board on Forensic Services related matters.
2. Meetings will be used to:
 - (i) Oversee the development and delivery of the Forensic Services 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 Services, 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 Services by scrutiny/inspections bodies or the Authority.
 - (iv) Seek assurance that ~~the~~ Forensic Services has appropriate risk and financial management controls in place, and review quarterly and annual reports produced by Forensic Services in relation to the exercise of its functions, including reports on operational and organisational performance and of progress in the achievement of objectives for onward consideration by the Board. This should include findings from the United Kingdom Accreditation Service (UKAS) to provide continued reassurance about the quality of Forensic Services' output.

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

MEMBERSHIP AND ATTENDEES

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

MEETINGS

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

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LEGAL COMMITTEE

PURPOSE AND SCOPE

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

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

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- (ix) Monitor the handling of legal actions, claims and appeals within the remit of this Committee; seek information on themes, trends, **and lessons learned** as appropriate; and review the arrangements in place for the handling of these matters; and
- (x) Consider such other matters as required by the Board.

MEMBERSHIP AND ATTENDEES

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

MEETINGS

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

PEOPLE COMMITTEE

PURPOSE AND SCOPE

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

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Determinations which are being consulted on via the Scottish Police Consultative Forum.

- (iii) Seek assurance, in conjunction with the Resources Committee, that workforce planning is effectively integrated with strategic and financial planning processes, providing a cohesive approach to planning organisational capacity and skills in support of corporate objectives and serving to develop a diverse and sustainable Authority/Police Scotland workforce.
- (iv) Seek assurance as to the effective attraction, retention and management of talent; that leadership development needs are kept under review; and consider and monitor the implementation of effective succession planning arrangements, with a view to ensuring the continued ability of the Authority/Police Scotland to respond to the challenges and opportunities facing them.
- (v) Determine **and approve** the optimum process and implement arrangements for appointment to the ranks of Chief Constable, Deputy Chief Constable and Assistant Chief Constable and to Director level roles within the Authority/Police Scotland (including temporary appointments), providing assurance to the Board in relation to those arrangements. The final decision on appointment will rest with the Board.
- (vi) Seek assurance that workforce performance is effectively managed and developed to achieve organisational goals. In collaboration with the Chair of the Board, exercise oversight of the objectives set for the Chief Constable, the Authority Chief Executive, and Director of Forensic Services, and review the arrangements for their performance appraisal; and exercise oversight of performance appraisals completed in respect of other members of the SPA/Police Scotland executive.
- (vii) Seek assurance that effective, regular and consistent approaches to workforce engagement and involvement are in place (including structures, systems and processes for consultation and negotiation with statutory staff associations and trade unions); and seek evidence which demonstrates

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that the contribution and wellbeing of the workforce is valued and recognised.

- (viii) Seek assurance on the capacity and capability of the People & Development function, including staff, systems and processes.
- (ix) Seek to ensure effective delivery against identified outcomes through determination of standards in relation to the fair and effective management of the workforce; and overseeing implementation of robust monitoring arrangements.
- (x) Review the adequacy of controls in place to mitigate risks identified through the strategic risk register pertinent to the business of the Committee.
- (xi) Provide workforce governance information for the statement of internal control.
- (xii) Consider such other matters as required by the Board.

MEMBERSHIP AND ATTENDEES

- 4. The Committee will comprise ~~a minimum of three Members the Chair ("the Committee Chair") and no more than three other Board Members~~ including the chair ("the Committee Chair").
- 5. The quorum for the Committee will be three Members including the Committee Chair.
- 6. The Chief Constable shall have a standing invitation to any meeting considering the appointment of a Deputy Chief Constable or an Assistant Chief Constable or any Director level police staff.
- 7. A single representative will be invited from each of the following bodies: Associations of Scottish Police Superintendents, Scottish Police Federation, Unison and Unite (acting in an ex officio capacity), to attend Committee meetings.

MEETINGS

- 8. The Committee will hold at least four scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business. The Committee will also convene on an ad hoc basis to deal efficiently and effectively with any appointments processes it may be undertaking.

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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 deployments which may have particular public interest, ethical or human rights implications. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the Chair, Board or Chief Executive requests of it, including in relation to public-facing service delivery aspects of policing.
2. Meetings will be used to:
 - (i) Oversee the development and improvement of the policing performance framework, **and approve enhancements to the agreed framework**, ensuring that it is aligned with the policing strategy, annual police plans and statutory requirements including the policing principles and ethical standards; that it applies best practice in measuring and reporting the achievement of outcomes; that it is based on robust and meaningful data; and that it considers the views of stakeholders.
 - (ii) Review the performance of policing using the performance framework, and in particular review quarterly performance reports in advance of their consideration at the Board.
 - (iii) Review progress in relation to the implementation of performance improvement activities where these arise from recommendations contained in inspection and/or audit reports.
 - (iv) Examine the performance analysis and overview section of the Authority's Annual Report and Accounts, in order to provide assurance to the Board that it contains an appraisal of performance of the Authority and Police Scotland in working towards the objectives within the Strategic Police Plan, the arrangements in the Annual Police Plan, statutory

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requirements including the policing principles, and ethical standards.

- (v) Consider significant proposed changes, in consultation with the Chair or at the request of the Board, to operational policing which may have particular public interest, ethical or human rights implications; 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.
- (vi) In carrying out its functions, consider relevant data and research available in relation to policing which would assist in benchmarking Police Scotland's performance against appropriate comparators across the UK and internationally.
- (vii) Ensure reporting on the arrangements for, and feedback on custody from, the volunteers within the Independent Custody Visiting in Scotland (ICVS) scheme is carried out publicly at least twice per year, including publication of the Authority's annual review of ICVS.
- (viii) Consider such other matters as required by the Board.

MEMBERSHIP

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

MEETINGS

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

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RESOURCES COMMITTEE

PURPOSE AND SCOPE

1. The purpose of this Committee is to provide oversight, scrutiny and assurance to the Board on all significant financial and budgetary resourcing matters, including strategic financial planning and budget setting in the short, medium and long term, investment decisions based on review of business cases, performance against the agreed budget, delivery of the expected investment benefits and assurance on financial regulatory compliance and stewardship.
2. The Committee will provide advice and assurance to the Board on these matters and any other specific items which the SPA Board requests of it in relation to financial sustainability and other resourcing aspects of Police Scotland and the SPA.
3. The Committee will seek to ensure that continuous improvement is embedded within financial planning and the management and delivery of benefits through investment made in the change portfolio. The Committee will oversee the management and development of processes and procedures in line with Best Value principles.
4. The Committee will consider and approve matters delegated to it by the Board and set out in the Financial Regulations and the financial delegations appended to the Financial Regulations.
5. Meetings will be used to:
 - ~~(i) Review SPA/Police Scotland input to the Government Spending Reviews and make recommendations to the Board.~~
 - ~~(ii) Review the annual budget proposals for revenue, capital and reform, assessing the underlying assumptions and make recommendations to the Board.~~
 - ~~(iii) Recommend to the Board any budget changes resulting from factors out with the budget planning process during the financial year in accordance with the limits set out in the scheme of delegation.~~
 - (i) Review reports in relation to matters falling within the scope of this Committee and, in accordance with the Financial Regulations and Scheme of Financial Delegations, consider and approve such matters within the limits set out in the Scheme of Financial Delegations; and make recommendations

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for approval to the Board as appropriate . Matters falling within the scope of this Committee include but are not limited to:

- a) SPA/Police Scotland input to Government Spending Reviews
 - b) Annual budget proposals for revenue, capital and reform
 - c) Routine in-year financial monitoring, forecasting, cash flow management and year end outturn of financial performance against all approved budgets including any savings or efficiency plans
 - c) Budget changes resulting from factors out with the budget planning process during the financial year
 - d) Business cases, contracts, lease agreements, operational plans, borrowing, sponsorship, special payments, income charge rates, grant funded awards, write-off losses and bad debts, and the acquisition and disposal of land and property
- (ii) Assess strategies which have resource implications with a view to making recommendations to the Board.
- (iii) Scrutinise the rolling capital investment plan ensuring prioritisation of spend is aligned to the outcomes set out on the Strategic Police Plan and equivalent SPA Corporate and Forensic Services Strategies and monitor progress of the agreed programme of property disposals and acquisitions.
- (iv) Seek assurance that Police Scotland and SPA are developing financially sustainable organisational plans with appropriate financial strategies and plans to deliver the outcomes set out in the Strategic Police Plan.
- (v) Seek assurance on the capacity and capability of the finance, procurement, estates, fleet, DDICT and change functions, including staff, systems and processes including an annual review of the SPA/Police Scotland Financial Regulations.
- ~~(vi) Routinely monitor financial performance including the delivery of the approved budget, saving and efficiency plans and income projections.~~
- ~~(vi) Routinely monitor the delivery of financial and non-financial benefits described in the approved business cases and oversee the change control process for cost and benefit variances in approved business cases.~~

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~~(viii) Review the annual financial outturn, and end-year financial statements, and assess their impact on financial and other resourcing plans.~~

(ix) Seek assurance on compliance with the Scottish Public Finance Manual and other financial and procurement policies and regulations.

~~(x) Consider, in conjunction with the People Committee, for recommendation to the Board and onward submission to Scottish Government as appropriate, a proposed funding remit for pay negotiations; proposed changes to staff terms and conditions; and proposed schemes to pay voluntary redundancy or compensation for loss of office.~~

~~(xi) Seek assurance that pension schemes for officers and staff are effectively funded and financially managed, in conjunction with the People Committee.~~

~~(xii) Seek assurance, in conjunction with the People Committee, that workforce planning is effectively integrated with strategic and financial planning processes.~~

(xiii) Consider such other matters as required by the Board.

MEMBERSHIP

6. The Committee will comprise ~~the chair ("the Committee Chair") and no more than three other Board Members~~ a minimum of 3 Members including the chair ("the Committee Chair").

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

MEETINGS

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

APPENDIX C

SCOTTISH POLICE AUTHORITY

SCHEME OF DELEGATION

1. Introduction

- 1.1 The Authority must ensure it carries out its statutory functions and delivers its priorities as agreed with the Scottish Ministers and as set out in the Police and Fire Reform (Scotland) Act 2012 ('the Act').
- 1.2 In terms of paragraph 12 of schedule 1 to the Act, the Authority may authorise any of its committees or any member of the Authority's staff to perform on behalf of the Authority such of its functions as it may determine, to the extent so authorised.
- 1.3 The Scottish Public Finance Manual, specifically the Memorandum to Accountable Officers for Other Public Bodies, sets out the responsibilities of the Accountable Officer. The Accountable Officer has personal responsibility for the propriety and regularity of the public finances for the body for which they are answerable and must ensure that the resources of the body are used economically, efficiently and effectively. This role is undertaken by the Chief Executive of the Authority.
- 1.4 This Scheme of Delegation ('this Scheme') details the functions which the Authority has delegated to its **Chief Executive and** Director of Forensic Services ~~and Chief Executive~~ to perform, and the extent of that delegation.
- 1.5 ~~The Authority will regularly review this Scheme. Material amendments to this Scheme will be reviewed by the Authority as they arise.~~
- 1.6 A glossary of terms is included at page ~~15/16 (17/18)~~.
- 1.7 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:

Internal sources

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

External sources

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

2. Delegation by the Authority to the Chief Executive

General principles **of this scheme**

- 2.1 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.
- 2.2 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.

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- 2.3 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 2.2 2-3.
- 2.4 In the event that the Chief Executive is unable for any reason to exercise powers specifically delegated to them under this Scheme, the Chief Executive's nominated Deputy Chief Executive will have authority to make decisions on their behalf.
- 2.5 The Board may require the Chief Executive to submit reports on decisions taken and actions authorised by them under this Scheme, including decisions made by members of staff under sub-delegation provisions.
- 2.6 All sums stated in this Scheme are exclusive of VAT.

Corporate Management

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

Arrangements with the Chief Constable

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

Authorised signatory

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

~~Delegation by the Authority to the Chief Executive~~

3. Income

- 3.1 The Chief Executive is authorised to seek to optimise income for the Authority in accordance with section 87 of the Act and the Scottish Police Authority (Provision of Goods and Services) Order 2013. Novel or contentious proposals for income generation or proposals to recover costs below full cost recovery, must be considered by the Board before approval

is sought from the Scottish Government. In accordance with the SPFM, the standard approach to setting charges for public services is full cost recovery.

4. Expenditure – general provisions

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

5. Staffing

- 5.1 The Chief Executive has responsibility for the appointment of staff (subject to agreed staffing limits) and maintaining the Authority's organisational structure. Any transformational changes to the structure must be approved by the Board. Staffing limits may be supplemented, where required, by the addition of short-term secondments and contractors to meet identified business needs, within budget limitations and subject to any applicable procurement rules.
- 5.2 In particular, the Chief Executive is authorised to:
- a) appoint staff to support the carrying out of police functions ('police staff' notwithstanding the Chief Constable's power under section 26(3) of the Act to appoint such staff on the Authority's behalf);
 - b) appoint staff to the Authority to support the Authority in the carrying out of its corporate functions ('Authority staff'), in line with HR policy and within agreed staff budget levels;
 - c) appoint staff to the Authority to support the Authority in the carrying out of its functions in relation to the provision of forensic services, notwithstanding the Director of Forensic Service's authority to do so as set out in paragraph 21.3.
 - d) conduct disciplinary and grievance proceedings in respect of Authority staff who are employed within the corporate functions of the Authority;

- e) remedy inconsistencies in pay or conditions of service, of all staff employed by the Authority, including those staff under the day-to-day direction and control of the Chief Constable of Police Scotland, in line with policy and as directed by the Board.

6. Major Investment Projects

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

7. Property

General

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

Disposal of heritable property

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

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- c) the proposed sale price does not exceed £1,000,000;
- d) in any circumstances the sale of more than one property to the same buyer within any financial year requires ~~prior Board~~ approval by the Scottish Government following recommendation by the Resources Committee and the Board.

7.4 The general principle is that public bodies should obtain the best possible price on the open market when disposing of assets. In some circumstances there may be a need to dispose of an asset at less than market value but as per the SPFM these must deliver wider public benefits, consistent with the principles of Best Value.

7.5 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

7.6 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

7.7 The Chief Executive may approve leases, licences to occupy, and Memorandum of Terms of Occupation (MOTO) – other than those of regional or national importance or outwith a specific delegated authority, within the limits set out in the Financial Regulations. This is a specific delegated authority set out in the Governance and Accountability Framework.

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

~~Property/accommodation-related Leases etc. – Authority as Landlord (Previously provisions 8.9 – 8.10)~~

~~The Chief Executive must seek Scottish Government and Board approval to enter into any lease of regional or national importance or without a specific delegated authority per the Governance and Accountability Framework. Upon receipt of approval, the Chief Executive may approve the Authority entering into a Lease, Licence to Occupy, or Memorandum of Terms of Occupation (MOTO) with third parties in respect of heritable property owned by the Authority for a period of up to 5 years and up to a total value of £5 million (calculated over the term of the~~

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~~Lease/Licence to Occupy/MOTO). Where a proposed lease concerns accommodation of regional or national importance, the transaction will also require the consent of the Scottish Ministers following Board approval.~~

~~For leases of regional or national importance or without a specific delegated authority per the Governance and Accountability Framework, the Chief Executive must seek Scottish Government approval for the variation or extension of an existing Lease, Licence to Occupy, or MOTO provided any proposed extension would not exceed the threshold specified in paragraph 8.9.~~

- 7.8 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 ~~other party~~ **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.
- 7.9 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 the Financial Regulations and appended financial delegations
- 7.10 The Chief Executive may authorise the exercise, or the non-exercise, of a ~~tenant's~~ lease break.

Miscellaneous

- 7.11 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.

8. Other licence Agreements

- 8.1 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.

9. Procurement/Contracts

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

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

10. Write offs, losses and special payments

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

11. Members' Expenses

- 11.1 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.

12. Legal

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12.1 The Chief Executive has authority to do the following:

- a) Approve the payment of awards against the Authority by a court or tribunal, in consultation with the Authority's solicitors;
- b) authorise payment of judicial expenses for which the Authority is liable, in consultation with the Authority's solicitors;
- c) initiate, enter into, defend and withdraw from legal proceedings involving the Authority, including appeals, all in consultation with the Authority's solicitors;
- d) direct the signing of court documents on behalf of the Authority;
- e) engage Police Scotland's Legal Services Department, external legal firms, counsel, sheriff officers, patent agents and parliamentary agents as appropriate, or other specialist services as required;
- f) approve the sign off and submission to Revenue Scotland of Land and Buildings Transaction Tax (LBTT) Returns; and
- g) provide instructions to the Authority's solicitors.

12.2 Notwithstanding the terms of 12.1 a) and b) above, any award or claim for judicial expenses which may be considered novel or contentious, include ethical or substantial reputational issues or are of significant public interest shall be referred to the Legal Committee for consideration and instructions regarding settlement.

12.2 For the avoidance of doubt, authority to settle all legal actions and claims raised against **and handled by** the Authority, must be obtained from the Legal Committee.

~~Reform Funding (formerly item 14)~~

~~In their capacity as Accountable Officer, the Chief Executive will seek assurance, including reviewing business cases from the Authority, SPA Forensic Services and Police Scotland where appropriate, for the drawdown of reform funding. Approval of business cases will be the responsibility of the Authority's Senior Management, the Senior Management of SPA Forensic Services or Police Scotland's Change Board (as appropriate). Every project should be supported by a benefits realisation plan to enable the return on investment of every project to be monitored and scrutinised. SPA SMT, Forensic Services SMT or Police Scotland Change Board (as appropriate) will act as follows :-~~

- ~~(i) If the business case for reform funding only, includes projected costs of <£1m within a 1 year period, and it does not raise matters of policy which would be of interest to the Board, the relevant SMT or Change Board may approve the business case and thereafter forward the business case to the~~

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~~Scottish Government for approval. The referral process will be led by Police Scotland who will maintain a record of all such referrals. Police Scotland will also provide reports on a quarterly basis to both the Resources Committee and the Board of all such referrals.~~

~~If the business case for reform funding only, includes projected costs of >£1m within a 1 year period, the relevant SMT or Change Board will refer the business case to the Resources Committee for decision to submit to the Board for approval. If the Committee is content to recommend the business case to the Board for approval, and the Board duly formally approves the business case, the Authority will thereafter refer the business case to the Scottish Government for approval. The referral process will be led by Police Scotland who will maintain a record of all such referrals.~~

~~Where a reform funding request raises matters of policy which would be of interest to the Board, SMT/Change Board will refer the business case to the Board for approval. If the Board duly formally approves the business case, the Authority will thereafter refer it to the Scottish Government for approval. The referral process will be led by Police Scotland who will maintain a record of all such referrals.~~

~~Where a business case for funding includes business as usual capital or revenue as well as a smaller element of reform funding, approval should be sought through the business as usual delegated authority approval limits as set out in the financial delegations within this Scheme or the PSOS Scheme of Delegation.~~

~~Where reallocation of reform funding is necessary in year through for example, emerging requirements or slippage in an forecast spend, the Chief Executive and Director of Forensic Services (or delegates) must be involved in the decision making process to allow fair and equitable access to any in year reform funding underspend. Any agreed reallocation of reform funding underspend must be reported by Police Scotland as the lead body in managing reform funding, to the Resources Committee as part of the regular financial reporting.~~

~~The Chief Executive in their role as Accountable Officer may seek assurance, at any point, that reform funding is being spent as directed and benefits are being received as expected. Police Scotland as the lead body in managing reform funding will respond to any such request in year as soon as is practically possible.~~

13. Provision of non-operational police services overseas under section 87(3) of the Act

- 13.1 Where arrangements for non-operational police services overseas require to be made under section 87(3) of the Act, the Chief Executive may arrange, with the consent of the Chief Constable, for Police Scotland to provide such services.

14. Independent Custody Visiting

- 14.1 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.

15. Performance of Senior Officers

- 15.1 The Chief Executive is authorised to perform the functions of the Authority under the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016, with the exception of the following:
- a) all functions of the Chair of the Authority acting as the Chief Constable's reporting officer;
 - b) the appointment of appeal panels to conduct performance appeal meetings (regulation 19); and
 - c) the appointment of panels to conduct performance hearings (regulation 28).

16. Health and Safety

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

17. Emergency Planning

- 17.1 The Chief Executive is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations for emergency planning, business continuity, and disaster recovery as detailed in the Civil Contingencies Act 2004, in respect of SPA Corporate only. This activity is

undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

18. Information Management

- 18.1 The Chief Executive is authorised to make such decisions and take such actions, as are required to satisfy the Authority's obligations in relation to:
- a) requests for information under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004;
 - b) data subjects' rights under Part 3 Chapter 3 of the Data Protection Act 2018 and Articles 15-22 of the GDPR; and
 - c) records management under Part 1 of the Public Records (Scotland) Act 2011.

19. Pensions

- 19.1 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.
 - iv. granting police officers applications for ill health retirement and injury on duty benefit.
 - c) all decisions made under (a) and (b) above must be reported to the Legal Committee as soon as it is practicable to do so.
- 19.2 In the case of such pension matters, funding implications are a matter for the Scottish Public Pensions Agency (SPPA). The Authority is the decision maker in respect of entitlement and action. The Authority cannot proceed without the agreement of SPPA.

20. Sub delegation by the Chief Executive to Senior Authority Staff

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

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20.2 The Chief Executive may not sub-delegate any of their personal obligations and responsibilities as Accountable Officer of the Authority. In the event that the Chief Executive is incapacitated or otherwise unable to perform the Accountable Officer's responsibilities for a period of four weeks or more, the Authority will notify the Scottish Government Permanent Secretary and Portfolio Principal Accountable Officer who may appoint a substitute Accountable Officer (likely Deputy Chief Executive Resources) pending the Chief Executive's return to duties.

~~In their capacity as Accountable Officer, the Chief Executive will issue on an annual basis, a formal financial protocol between the Authority and the Police Service of Scotland. The protocol will set out how the Accountable Officer's responsibilities, per the Public Finance and Accountability (Scotland) Act 2002, specifically set out in the Memorandum to Accountable Officers, are undertaken by Police Scotland. (formerly 21.3)~~

~~As the Accountable Officer bears overall personal financial responsibility for the Authority's budget, the financial protocol will set out the responsibilities of the Chief Financial Officer for Police Scotland for the management of the Authority's financial services and for the administration of the financial affairs and will advise the Accountable Officer on all financial matters. (formerly 21.4)~~

21. Delegation by the Authority to the Director of Forensic Services

21.1 The Director of Forensic Services on behalf of the Authority, is authorised to enter into necessary arrangements for the provision of forensic services to Police Scotland, the Police Investigations and Review Commissioner (PIRC) and the Lord Advocate and procurators fiscal in terms of Section 31 of the Act, within approved budget limits and in line with the limits set out in the financial delegations. Such arrangements may include, but are not restricted to, Memoranda of Understanding, Service Level Agreements, establishing advisory/working groups, and other such measures to enable the delivery of an effective service.

21.2 The Director of Forensic Services, in respect of Forensic Services only, is authorised to transfer funds between revenue expenditure headings and between capital projects (virements), ~~in line with the delegation set out in the Financial Regulations and financial delegations. up to £200,000 for expenditure on Authority staff or other costs~~ Such transfers should be reported to the Resources Committee as soon as is practicable

21.3 The Director of Forensic Services is authorised to:

- a) appoint staff to enable the Authority to carry out its functions in relation to the provision of forensic services in terms of Section 31 of the Act, in line with HR policy and within agreed staff budget levels;

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- b) conduct disciplinary and grievance proceedings in respect of Authority staff who are employed within Forensic Services; and
- c) make decisions regarding the deployment and oversight of Authority staff who are employed within Forensic Services, and authorise their attendance at training courses, conferences, seminars and other developmental activities.

21.4 Legal Delegation

21.4.1 The Director of Forensics, or a member of staff appointed by them, has authority, in respect of legal matters directly concerning Forensic Services only, to:

- a) approve the payment of awards against the Authority by a court or tribunal, in consultation with the Authority's solicitors;
- b) authorise payment of judicial expenses for which the Authority is liable, in consultation with the Authority's solicitors;
- c) initiate, enter into, defend and withdraw from legal proceedings involving the Authority, including appeals, all in consultation with the Authority's solicitors;
- d) direct the signing of court documents on behalf of the Authority; and
- e) provide instructions to the Authority's solicitors.

21.4.2 Notwithstanding the terms of a) and b) above, any award or claim for judicial expenses which may be considered novel or contentious, include ethical or substantial reputational issues or are of significant public interest shall be referred to the Legal Committee for consideration and instructions regarding settlement.

21.4.3 For the avoidance of doubt, authority to settle all legal actions and claims raised against the Authority must be obtained from the Legal Committee.

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

21.6 Before exercising delegated powers under this Scheme, the Director of Forensic Services must, wherever practicable, consult with the Forensic Services Committee where the exercise of the powers would, or would be likely to:

- a) have a significant or adverse effect on financial, reputational or operational risk; or

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- b) have an impact on service delivery and/or the performance of the Authority's functions.
- 21.7 The Director of Forensic Services must as soon as practicable (and no later than the next scheduled meeting of the Board) report to Members any action taken following consultation with the Forensic Services Committee in connection with paragraph 21.6.
- 21.8 The Forensic Services Committee may require the Director of Forensic Services to submit reports on decisions taken and actions authorised by them under this Scheme, including decisions taken by members of staff to whom the Director of Forensic Services has sub-delegated powers.
- 21.9 The Director of Forensic Services may sub-delegate powers delegated to them under this Scheme to senior members of Forensic Services staff. Any sub-delegation of powers by the Director of Forensic Services, will be included in delegation letters which will set out the scope of delegated powers and associated financial delegations. Delegation letters will be reviewed and issued by the Director of Forensic Services on an annual basis.
- 21.10 The Director of Forensic Services is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations under the Health and Safety at Work Act of 1974 ('the 1974 Act') in respect of Authority staff working in Forensic Services. This includes taking the lead role in ensuring that Forensic Services staff are meeting their responsibilities so as to comply with the 1974 Act. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.
- 21.11 The Director of Forensic Services is authorised to make such decisions, and take such action, as are required to satisfy the Authority's obligations for emergency planning, business continuity, and disaster recovery as detailed in the Civil Contingencies Act 2004 in respect of Forensic Services. This activity is undertaken in conjunction with the Business Partnering arrangements for service delivery from Police Scotland.

GLOSSARY OF TERMS

Definitions	
The Authority	The Scottish Police Authority - the body corporate established under the terms of the Police and Fire Reform (Scotland) Act 2012
Accountable Officer	The officer appointed by the principal accountable officer for the Scottish Administration in terms of section 15(3) of the Public Finance and Accountability (Scotland) Act 2000 to carry out the functions set out in the Memorandum to Accountable Officers for Other Public Bodies and who is answerable to the Scottish Parliament for the exercise of those functions.
Best Value	<p>Best Value is the continuous improvement in the carrying out of functions whilst maintaining an appropriate balance among:</p> <ul style="list-style-type: none">the quality of the carrying out of functions;the cost of carrying out functions;the cost to persons of any service provided for them on a wholly or partly rechargeable basis by the Authority or, as the case may be, under arrangements made by the chief constable, <p>and having regard to efficiency, effectiveness, economy, and the need to meet the equal opportunity requirements, and contributes to the achievement of sustainable development</p> <p>as set out in section 37 of the Police and Fire Reform (Scotland) Act 2012.</p>
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.
SPA Corporate	The governance and oversight arm of the Scottish Police Authority, which carries out the functions of the Authority set out in section 2 of the Police and Fire Reform (Scotland) Act 2012.
Virement	The term used for the process by which funds are moved between budget sections or subheads such that additional expenditure on one is met by savings on one

	or more others. Budget must not be vired between capital and revenue.
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APPENDIX D

MATTERS RESERVED FOR THE BOARD

Strategy and Planning

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

*Legislative requirement

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Policy / Other Business

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