



Agenda Item
4.4

Meeting	Audit, Risk and Assurance Committee
Date	7 November 2023
Location	Online
Title of Paper	SPA Public Body Duties
Presented By	Jackie McKelvie, Corporate Management Lead, SPA
Recommendation to Members	For Discussion
Appendix Attached	Yes Public Body Duty Self-assessment – September 2023

PURPOSE

To provide background and a summary of the findings and proposed recommendations for improvement from the recent SPA self-assessment on the Authority's compliance with public body duties.

1 BACKGROUND

- 1.1. The Scottish Police Authority has specific statutory responsibilities in relation to a wide range of public body duties. Some of these duties are for SPA only, a number are for both SPA and Police Scotland, and there are some for which Police Scotland report on behalf of SPA. During 2022/23 the SPA Corporate team developed a public body duties framework to provide assurance that duties and related reporting were being met, and that reporting is informed by good practice and subject to continuous improvement. Key elements of this framework and our compliance work is published on our website [here](#).
- 1.2. The [SPA Corporate Strategy 2023-2026](#) sets out the role and responsibilities of the Scottish Police Authority, the five outcomes we seek to achieve, and the high-level activities designed to achieve them. Under Strategic Outcome 5 - *We are a learning organisation, where decision-making and scrutiny are evidence led* – a planned action for 2023-24 was to complete a self-assessment against public body duties, identifying gaps and required improvement actions.
- 1.3. The SPA Corporate team reported findings and recommendations for approval to SPA senior managers at the beginning of October 2023. **(Appendix One)**

2 SELF-ASSESSMENT FINDINGS

- 2.1. This self-assessment has demonstrated that the Authority is a learning organisation. The assessment approach was devised by the SPA Corporate team, with no available benchmarking information or guidance from across the sector. This being the case, the Authority is keen to share our assessment method and learning with other public sector partners.
- 2.2. There is robust evidence that the Authority is compliant in 14 out of 19 public body duties considered. Three duties have been assessed as partially compliant and improvement actions recommended. The results reinforce confidence in the coordinating processes put in place through the implementation of SPA's 2020 organisational change programme, enabling focus and rigour in delivering against a diverse set of duties. Central to the approach is effective working with Police Scotland, reporting on the Authority's behalf on several duties.
- 2.3. Two duties have been assessed as non-compliant. Fairer Scotland duty has a suggested recommendation to set a clear expectation on how meeting the Fairer Scotland Duty should be evidenced and

considered in strategic decision making. The Islands Duty recommendations are to work with Police Scotland to document current process and compliance on islands impact.

- 2.4. Findings have already been shared with Forensic Services colleagues and collective work has begun to enhance our existing evidence of compliance.

3 FINANCIAL IMPLICATIONS

- 3.1. There are/ are no financial implications in this report.

4 PERSONNEL IMPLICATIONS

- 4.1. There are/ are no personnel implications in this report.

5 LEGAL IMPLICATIONS

- 5.1. There are/ are no legal implications in this report.

6 REPUTATIONAL IMPLICATIONS

- 6.1. There are reputational implications in this report. As a significant public body, committed to supporting policing in the public interest, it is important that the Authority can demonstrate evidence of compliance against its statutory public body duties, to provide assurance and increase trust and confidence.

7 SOCIAL IMPLICATIONS

- 7.1. There are/ are no social implications in this report.

8 COMMUNITY IMPACT

- 8.1. There are/ are no community implications in this report.

9 EQUALITIES IMPLICATIONS

- 9.1. There are/ are no equality implications in this report.

10 ENVIRONMENT IMPLICATIONS

- 10.1. There are/ are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the report and its contents.





APPENDIX ONE: Public Body Duty Self-assessment September 2023

Executive Summary

Based on the assessment methodology utilised, there is robust evidence that the Authority is compliant in 14 out of 19 public body duties considered. Self-assessment against the wide range of duties has not been undertaken by the Authority before and has proven to be a valuable review exercise. The results reinforce confidence in the coordinating processes put in place through the implementation of SPA's organisational change programme, enabling focus and rigour in delivering against a diverse set of duties.

This self-assessment journey has tested the Authority as a learning organisation, as we have devised the assessment approach on our own, with no available benchmarking information or guidance from across the sector.

Three duties have been assessed as partially compliant and improvement actions recommended, with reference to relevant service plan actions where appropriate.

Two duties have been assessed as non-compliant. Fairer Scotland duty has a suggested recommendation relating to setting a clear expectation on how meeting the Fairer Scotland Duty should be evidenced and considered in strategic decision making. The Islands Duty recommendations are to agree lead team(s) for this duty and to consider further work required to capture compliance on islands impact.

Background

The Scottish Police Authority has specific responsibilities in relation to a wide range of public body duties. A number of these duties are for SPA only, a number

are for both SPA and Police Scotland, and there are a number for which Police Scotland report on behalf of SPA. The findings below indicate to which each duty applies.

Approach to self-assessment

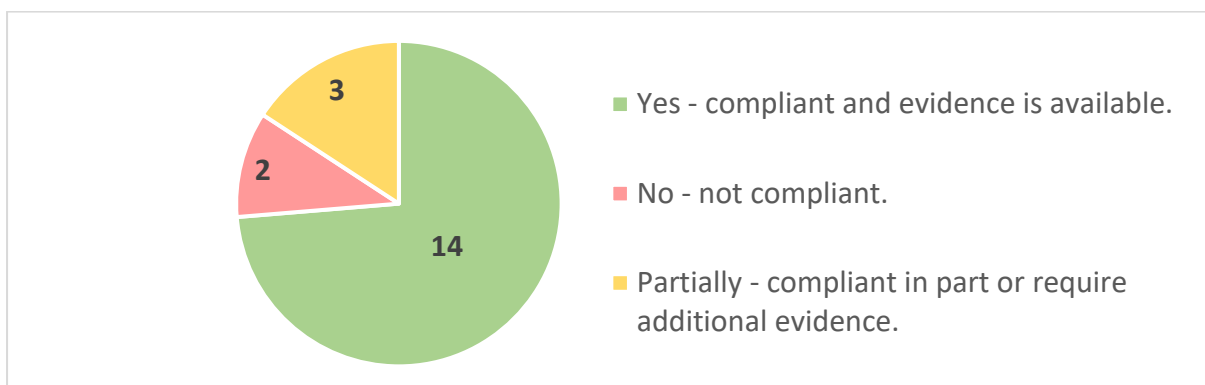
In the absence of an established toolkit to assess compliance with our public body duties, the assessment criteria used reflect that of similar self-assessment work relating to best value. Based on available evidence, each duty was assessed as one of the following:

- Yes - compliant and evidence is available.
- No - not compliant.
- Partially - compliant in part or require additional evidence.

Evidence considered was based on that set out in the [Public Body Duties Framework](#) and also takes into account resources developed to create an [Impact Assessment Framework](#) to support compliance with our various public body duties. An overall assessment was made based on SPA compliance and oversight arrangements of Police Scotland, where appropriate.

Summary of findings

Of 19 duties assessed, 74% (14) were assessed as compliant, 16% (3) assessed as partially compliant and 10% (2) assessed as not compliant. Findings are detailed below.



Assessed as **partially compliant** are duties under the:

- Community Empowerment (Scotland) Act 2015

- Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018
- The Heat Networks (Heat Network Zones and Building Assessment Reports) (Scotland) Regulations 2023

Assessed as **not compliant** are duties under the:

- Fairer Scotland Duty 2018
- Islands (Scotland) Act 2018

Next steps

Based on these self-assessment findings, improvement recommendations have been proposed or existing service plan activity referenced. Where recommendations are accepted, appropriate action owners will be identified, and timescales agreed.

The findings will be shared with Forensic Services colleagues to consider where there are opportunities to strengthen evidence and compliance across SPA as a whole.

Findings

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
<p>Ref: PBD01</p> <p>Ethical Standards in Public Life etc. (Scotland) Act 2000</p> <p>Applies to SPA only.</p> <p>Lead team: SBM</p>	<p>As necessary - Publish an approved Code of Conduct for Board members based on the Model Code.</p> <p>Quarterly - Set up, maintain and publish registers of interest</p>	No	Yes	<p>An established, robust updating process is in place which is well understood by members and provides an audit trail of changes. SPA Standards Officer in place to support code compliance.</p> <p>Oversight not applicable.</p>	None
<p>Ref: PBD02</p> <p>Freedom of Information (Scotland) Act 2002-</p> <p>duties extended to environmental information through the Environmental Information (Scotland) Regulations 2004</p> <p>Applies to SPA and Police Scotland.</p> <p>Lead team: SBM</p>	<p>Quarterly – submit FOI statistics to SIC (Subject Access Requests received also reported).</p> <p>Ongoing – Publish information under an approved Publication Scheme.</p>	Yes	Yes	<p>There is a robust approach to FOI with regular monitoring / reporting /awareness raising both internally and externally.</p> <p>A Level 2 Intervention by SIC in October 2020 instigated improvement practices that continue to be developed.</p> <p>Regular review of the process supports a whole organisation approach to ensure everyone understands that they have a part to play. The FOI team liaise with Police Scotland where necessary and regularly engage in practice sharing activity, e.g. annual FOI Practitioner's conference; annual Holyrood FOI conference; Scottish Public</p>	None

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
				<p>Information Forum meetings; and eCase webinars.</p> <p>Oversight carried out by ARAC via bi-annual reporting by Police Scotland and SPA.</p> <p>Oversight of both SPA and Police Scotland is carried out by the Scottish Information Commissioner.</p>	
<p>Ref: PBD03</p> <p>Nature Conservation (Scotland) Act 2004</p> <p>Applies to SPA and Police Scotland.</p> <p>Lead team: COS</p>	<p>Every 3 years - Prepare and publish a report on actions taken to conserve biodiversity during the period.</p>	Yes	Yes	<p>Police Scotland report on behalf of Police Scotland and SPA. Confirmed at the Environment Sustainability Board that SPA/PS are compliant.</p> <p>Oversight is carried out via SPA officer attendance at Environment Sustainability Board.</p>	None
<p>Ref: PBD04</p> <p>Gaelic Language (Scotland) Act 2005</p> <p>SPA and Police Scotland named.</p> <p>Lead team: SBM</p>	<p>Every 5 years - Prepare, publish and review a Gaelic language plan (must consult persons appearing to have an interest).</p> <p>Annually - Submit a report on the extent to which we have implemented the measures set out in our Gaelic Language Plan.</p>	Yes	Yes	<p>Measures continue to develop with refreshed high level and corporate service aims set out in the Authority's second edition GLP. Closer working with Forensics colleagues is now in place to ensure activity across both is captured for annual reporting to BNG.</p> <p>Oversight of Police Scotland's contribution to the National</p>	<p>Refer to Corporate Strategy service plan action:</p> <p>SO1-3.8 To ensure delivery of the Gaelic Language Plan.</p>

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
				<p>Gaelic Language Plan is carried out at the Board.</p> <p>Oversight of both SPA and Police Scotland is carried out by Bòrd na Gàidhlig.</p>	
<p>Ref: PBD05</p> <p>Climate Change (Scotland) Act 2009 and The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015</p> <p>SPA and Police Scotland named.</p> <p>Lead teams: COS/SBM</p>	<p>Annually - Prepare a report on compliance with climate change duties, in the form required, and submit to Scottish Government.</p>	Yes	Yes	<p>Police Scotland report on behalf of Police Scotland and SPA. Annual reporting is submitted to Scottish Government on time and summary information published in the Annual Report and Accounts.</p> <p>The Procurement Strategy for SPA/PS commits to contribute to national climate targets.</p> <p>Confirmed at Environment Sustainability Board that SPA/PS are compliant.</p> <p>Oversight is carried out via SPA officer attendance at Environment Sustainability Board.</p>	None
<p>Ref: PBD06</p> <p>Equality Act 2010 (Scotland) and supporting Scottish Statutory Instruments</p>	<p>Every 2 years - Report on mainstreaming the equality duty; report on progress towards equality outcomes; and publish gender pay gap information.</p>	Yes	Yes	<p>Joint SPSA/PS outcomes and reporting are in place for Mainstreaming and Equality Outcomes, this reporting includes an equal pay statement. Joint reporting is also in place for E&D</p>	None

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
<p>SPA and Police Scotland named.</p> <p>Lead teams: S&P/WFG</p>	<p>Every 4 years - Publish equality outcomes; and publish statement on equal pay.</p> <p>Ongoing - Assess and review policies and practices; gather and use employee information in relation to protected characteristics; consider award criteria and conditions in relation to public procurement; and publish information required to be reported in an accessible manner</p>			<p>Employment Monitoring and Analysis, this includes gender pay gap reporting, as well as gender representation on public boards in 2022 reporting.</p> <p>The Procurement Strategy for SPA/PS commits to support equality and diversity goals and principles.</p> <p>An integrated Impact Assessment Framework is in place in SPA Corporate.</p> <p>Your Leadership Matters training addresses EDI matters for line managers and leaders.</p> <p>Existing oversight carried out via the People Committee and Authority meetings, as well as via the Resources Committee re procurement. A new oversight group has been established to provide to the Authority assurance and oversight of progress in delivery of the objectives/outcomes of the Policing Together Strategy.</p>	

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
<p>Ref: PBD07</p> <p>Public Services Reform (Scotland) Act 2010</p> <p>SPA only named.</p> <p>Lead team: FAR</p>	<p>Annually - Publish expenditure on public relations, overseas travel, hospitality and entertainment, and external consultancy;</p> <p>Publish amount, date, payee and subject matter of payments >£25k;</p> <p>Publish number of individuals (if any) receiving remuneration >£150k;</p> <p>Publish statement of steps taken to promote / increase sustainable growth and to improve efficiency, effectiveness and economy; and</p> <p>Publish remuneration paid to special advisers.</p>	Yes	Yes	<p>Compliance with all aspects with information published in the ARA and / or the website.</p> <p>Oversight not applicable.</p>	None
<p>Ref: PBD08</p> <p>Public Records (Scotland) Act 2011</p> <p>SPA and Police Scotland named.</p> <p>Lead team: FAR</p>	<p>Every 5 years - Prepare and implement a records management plan agreed by the Keeper, and keep this under review.</p>	Yes	Yes	<p>Compliance reported to ARAC through IM bi-annual reporting.</p> <p>The current Records Management Plan was recommended for publication as good practice by the Keeper.</p> <p>A review of the Records Management Plan is due for submission to the Keeper by October 2023.</p>	<p>PBD08-01 - To consider publishing the agreed Records Management Plan, as an example of good practice within the authority and the sector, as per the Keeper's recommendation in 2018.</p>

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
				Oversight carried out via ARAC.	
Ref: PBD09 Wildlife and Natural Environment (Scotland) Act 2011 Applies to SPA and Police Scotland. Lead team: COS	Every 3 years - Prepare and publish a report on actions taken to conserve biodiversity during the period.	Yes	Yes	Police Scotland report on behalf of Police Scotland and SPA. Confirmed at Environment Sustainability Board that we are compliant. Oversight carried out via SPA officer attendance at Environment Sustainability Board.	None
Ref:PBD10 Children and Young People (Scotland) Act 2014 SPA and Police Scotland named. Lead team: COS	Every 3 years - Publish a report of steps taken to secure better or further effect of the UNCRC requirements; and Report on how we have exercised our corporate parenting responsibilities; planning and collaborating functions; and other functions under Part 9.	Yes	Yes	The Authority has developed its reporting during the second reporting period for 2020-23. This now combines children's rights and corporate parenting in one report to provide a comprehensive overview of all related work. Oversight carried out at Policing Performance Committee.	None
Ref: PBD11 Procurement Reform (Scotland) Act 2014 SPA and Police Scotland named. Lead team: FAR	Annually - Prepare or review a Procurement Strategy; and After each financial year, prepare an annual procurement report. Ongoing - Publish contract / award notices on Public Contracts website; and	Yes	Yes	The procurement function is fulfilled by Police Scotland on SPA's behalf. Oversight carried out via the Resources Committee through annual reporting.	None

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
	Maintain a register of contracts and make publicly available.				
<p>Ref: PBD12</p> <p>Community Empowerment (Scotland) Act 2015</p> <p>Police Scotland named re Part 3 only.</p> <p>SPA named re Part 5 only.</p> <p>Lead team: S&P</p>	<p>Part 3:- Ongoing – must accept and agree to participation requests unless there are reasonable grounds for refusal. At the end of the process the public body must publish a report on the outcome.</p> <p>Annually - publish a participation request report for each reporting year.</p> <p>Part 5:- Ongoing – accept asset transfer requests to buy, lease, manage or use land and buildings where community bodies think they can make better use of the property. Establish and maintain a register of land and make this available on a website</p> <p>Annually - publish an asset transfer report for each reporting year.</p>	No	Partially	<p>Duty fulfilled by Police Scotland on SPA’s behalf. Processes are in place to accept participation requests and asset transfer applications – available to the public on Police Scotland’s website.</p> <p>Annual reporting is published on the PS website. The last Participation Request reporting published is for 2017/18. The last Asset Transfer reporting published is for 2019/20.</p>	PBD12-01 –Ensure regular annual reporting and awareness raising of processes.

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
Ref: PBD13 The Trade Union (Facility Time Publication Requirements) 2017 SPA only named. Lead team: WFG	Annually - Publish specified information related to paid time off provided to trade union officials for trade union duties and activities. This must be published, together with the questions, in the form specified, on a website maintained by, or on behalf of, the employer by 31 July and in the Annual Report and Accounts for relevant period.	Yes	Yes	Trade union facility time reporting is compiled by Police Scotland on SPA's behalf. Reporting is published in the Annual Report and Accounts and full details are published on Police Scotland's website.	None
Ref: PBD14 Data Protection Act 2018 Applies to SPA and Police Scotland. Lead team: FAR	Ongoing - Respond to Subject Access Requests within one month; Report data breaches to ICO where necessary. Annually - Register / pay a fee to the ICO	Yes	Yes	Both SPA and Police Scotland compliance is reported to ARAC providing assurance over the level of activity and controls in place. In addition, relevant changes including business cases and change activity work to Resources Committee/ARAC also provides detail of data protection implications.	None
Ref: PBD15 Fairer Scotland Duty 2018 SPA only named. Lead team: SBM	As necessary - Actively consider how to reduce the inequalities of outcome caused by socio-economic disadvantage in any major strategic decision, and publish a written assessment showing how this was done	Yes	No	An Impact Assessment Framework has been developed for SPA. This includes guidance on consideration of the Fairer Scotland Duty. To date, the Authority has not set a clear expectation on how meeting the Fairer Scotland Duty should be evidenced and	PBD15-01 – To set a clear expectation on how meeting the Fairer Scotland Duty should be evidenced and taken into account in strategic decision making.

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
				taken into account in strategic decision making, beyond a requirement to account in board and committee papers on assessing community impact.	
Ref: PBD16 Gender Representation on Public Boards (Scotland) Act 2018 SPA only named. Lead team: SBM	Annually - Publish reports on the gender representation on the Board and steps taken by the Authority to encourage women to apply to become non-executive members (recognising that appointments to Board sits with Scottish Government and not the Authority).	No	Yes	Annual reporting demonstrates compliance with the gender balance requirements. Detail is included in relevant EDI reporting where timing allows and a summary published on the website.	PBD16-01 – To research practice elsewhere to consider if there is advanced practice to implement.
Ref: PBD17 Islands (Scotland) Act 2018 SPA only named. Lead team: S&P	As necessary - Report on how we have complied with the duty to have due regard to island communities, impact assessments carried out and any other steps taken to comply with the duty.	Yes	No	An Impact Assessment Framework has been developed for SPA. This includes guidance on consideration of the duty to have due regard to island communities.	PBD17-01 – Work with Police Scotland to document current process and compliance on islands impact.
Ref: PBD18 Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018	Ongoing - Publish an accessibility statement and keep this under review.	No	Partially	The Accessibility Statement on the website indicates partial compliance. As part of service back arrangements, Police Scotland Digital Division carry out digital compliance checks and continuous improvement work on behalf of SPA.	Refer to Corporate Strategy service plan actions: SO1-3.1 Launch the new, accessible, website. (Post launch this work involves an improvement tracker to

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
<p>Applies to SPA and Police Scotland.</p> <p>Lead team: SBM</p>				<p>There is no requirement for oversight as there is a dedicated body who monitors compliance – the Government Digital Service on behalf of the Minister of the Cabinet Office which reports to EHRC.</p>	<p>ensure more accessible content.).</p> <p>SO1-3.3 Review accessibility of board and committee business.</p> <p>SO1-3.5 Provide plain English training for all staff</p> <p>SO1-3.6 Develop and implement accessibility guidance.</p> <p>SO1-3.7 Create a process for public access to varied formats of public documents.</p>
<p>Ref: PBD19</p> <p>The Heat Networks (Heat Network Zones and Building Assessment Reports) (Scotland) Regulations 2023</p> <p>Applies to SPA and Police Scotland.</p> <p>Lead team: SBM</p>	<p>Every 5 years - Owners of all public-sector non-domestic buildings must complete a Building Assessment Report (BAR). The completed BAR must be sent to the relevant local authority and Scottish Ministers, and will help local authorities to identify areas particularly suitable for the development of heat networks.</p> <p>Keep a copy of the completed BAR on file, as required under the</p>	No	Partially	<p>The Authority is aware of the new regulations and the requirement for a Building Assessment Report (BAR) to be submitted every 5 years.</p> <p>Reporting to be fulfilled through Police Scotland Estates/Sustainability functions. BAR will only be relevant to buildings that Local Authorities have expressed an interest in, as they are the main public bodies required to adhere to the Heat Network Regulations. For the most</p>	<p>PBD19-01 - To agree oversight arrangements of reporting duty fulfilled by Police Scotland.</p>

Legislation	Summary of reporting requirements	Applies to Forensics	Overall compliance	Assessment	Improvement recommendation(s)
	Regulations to renew the BAR submission "within 5 years after the notification of the BAR".			part, PS will provide information to LAs to compile an overarching report that will be submitted every 5 years to Government. PS are currently working with a number of LAs on gathering this information for them.	