

The Highland Council
Communities and Partnerships Committee
28 September 2016

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| Agenda Item | 6 |
| Report No | CP 20/16 |

Scottish Police Authority Governance Review

Report by Acting Head of Policy

Summary

This report provides Members with a summary of the Scottish Police Authority Governance Review findings and an update on the next steps being taken to implement the recommendations of the review.

1. Background

- 1.1 In September 2015, the Cabinet Secretary for Justice asked the Chair of the Scottish Police Authority (SPA) to undertake a 6 month review of the governance arrangements the SPA had in place. The review was to focus on four areas of work: local engagement; the structure and skills of the SPA; information requirements; and stakeholder engagement.
- 1.2 The Council took the opportunity to feed into the review and the response discussed at the meeting of Communities and Partnerships on 10 December 2015. The Council's response focused on:
- *Our experience of scrutinising local performance and engaging on local police plans* – the different levels of engagement Police Scotland in Highland adopt and the strength of local relationships;
 - *Views on national policy being more sensitive to local impacts* – concerns expressed about the implementation of national policy where no local consultation took place; the need for local impact assessments on changes to policy or practice including rural proofing;
 - *The relationship between the Council's Committee and the SPA* – the suggestion of a national forum for Scrutiny Chairs and the SPA, the SPA to engage with the North Scrutiny Chairs Forum and the need for a mechanism for scrutiny committees to raise concerns with the SPA.
- 1.3 The [final report](#)¹ was published in March 2016 and identified 30 recommendations. This report provides Members with a summary of the recommendations and the next steps being taken to implement the findings of the review.

¹ SPA Governance Review: <http://www.spa.police.uk/assets/128635/337350/337362>

2. SPA Governance Review Findings

2.1 The SPA Review focused on four key areas of work along with a general overview of the governance model adopted by the SPA. The findings of the review and associated recommendations are organised by these work streams. Of the 30 recommendations outlined, the SPA is the lead body for 16, Police Scotland for 5, the Scottish Government for 1 and the remaining 8 a combination of all three bodies. A full list of the 30 recommendations can be found at appendix 1.

2.2 Local Engagement

The review concluded that local scrutiny bodies do not feel that they are sufficiently listened to regarding local policing and they are unable to input into national policy issues. It was noted that Local Commanders do not have sufficient autonomy to adapt national policies to meet local needs.

2.3 The recommendations associated with these findings include: Police Scotland to broaden their local engagement; Police Scotland to ensure local implementation of policy or practice so that it is appropriate for local needs; Local Commanders should have more autonomy for implementation of policy and practice; Police Scotland should establish a formal escalation process to allow Scrutiny Committees to record disagreement with individual police policy decisions.

2.4 SPA Structures and Skills

The review considered the structure and skills of the SPA and noted that a more structured and defined approach is needed in terms of how it conducts its business.

2.5 It is recommended that the SPA's areas of responsibility are better defined, along with its relationships with other stakeholders. A further recommendation is that it should operate more strategically.

2.6 Information requirements and processes

The review found that there were concerns about the information and information flows from Police Scotland and that the SPA on occasion therefore has not had all the relevant information that it needed. It was noted that Police Scotland needs to be more transparent and the SPA clearer and more consistent with its requirements.

2.7 The recommendations include that there should be a review of information and reporting requirements of the SPA and Police Scotland and that this should also include a review of the planning and strategic reports required.

2.8 Stakeholder Engagement/Contribution to Wider Policy Objectives

Whilst SPA engagement with Local Scrutiny Committees was found to be positive, the purpose was not always clear and more could be done to proactively manage relationships. The different roles around engagement of Police Scotland and the SPA need to be better understood.

- 2.9 It is recommended that the SPA develops a broad based stakeholder map for engagement, alongside which there should be a review of the wider public policy objectives. The SPA and Police Scotland should coordinate their approaches to stakeholder management and feedback.
- 2.10 In addition to the four work stream areas, a series of recommendations were also made regarding the general governance model and how it operates in comparison with other governance approaches. The review concluded that the model was effective but improvements could be made around its operation, including the role of the SPA being better defined and that the working arrangements between the SPA, Police Scotland and Scottish Government should be reviewed to ensure that these reinforce and promote the position and authority of the SPA.

3. Next Steps

- 3.1 The Cabinet Secretary for Justice has informed the SPA that he has accepted all the recommendations of the review. The SPA is therefore proceeding with developing an implementation plan to take forward the recommendations. The SPA has been invited to attend the next meeting of this Committee on 8 December 2016 to update the committee on implementing the recommendations.
- 3.2 COSLA has generally welcomed the findings of the review and has highlighted the need for Local Government to be a key partner in implementing the recommendations of the review. One of the key findings of the review was that local scrutiny bodies did not feel they are sufficiently listened to regarding local policing and unable to input into national policy. In response to this COSLA has established a Police Scrutiny Conveners Forum whose membership is drawn from Scrutiny Committee Chairs. The purpose of the forum includes: gathering collective views of member Council's on national policy issues around policing; enabling scrutiny of national policy which has an impact at a local level and contributing to a formalised relationship between Local Scrutiny Committees and with SPA. The first meeting of the forum took place on 2 September 2016.

4. Implications

- 4.1 Resource implications: none identified.
- 4.2 Legal and risk implications: the recommendations of the review should result in improved local engagement and involvement with the SPA and national policing policy more sensitive to local needs.
- 4.3 Equalities, Gaelic, Climate Change implications: none identified.
- 4.4 Rural implications: the recommendations of the review should result in the needs of rural areas being taken better account of nationally.

5. Recommendation

Members are asked to note the findings of the SPA Governance review and the next steps for implementing the findings.

Designation: Acting Head of Policy

Date: 16-9-16

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Background Papers:

Appendix 1 – SPA Governance Review – List of Recommendations

SPA Governance Review – List of Recommendations

APPENDIX 1: List of Recommendations

| Recommendation | Indicative Lead Body | Indicative Timescale |
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| 1. The SPA must govern and oversee Police Scotland within the legislative framework which has been agreed, with appropriate reporting to Scottish Government in accordance with statutory requirements. The role of the SPA and its relationship with Police Scotland should be clearly defined and communicated more widely. | SG / SPA / Police Scotland | Immediate and ongoing |
| 2. As the SPA strengthens its governance procedures, the Scottish Government, the SPA and Police Scotland should review working arrangements and protocols to ensure these reinforce and promote the positioning and authority of the SPA. | SG/SPA/Police Scotland | By end September 6 Months |
| 3. The SPA should review, enhance and consolidate the current set of governance principles and governance framework to clarify the basis on which it intends to exercise its authority and meet its responsibilities in the future. This should also be used to agree the lines of responsibility between its partner bodies and stakeholders. All operating procedures and processes should be cross-referenced to the governance principles. | SPA | By end of August 2016 (5 months) |
| 4. Police Scotland should ensure that their local engagement programmes are directed at a wide range of local organisations. While a key audience must be the Local Scrutiny Committee, other parties such as Community Planning Partnerships must have an opportunity to understand and comment on policing activities, performance and plans. | Police Scotland | Current and ongoing |
| 5. Greater consideration needs to be given to the differing policing needs of local communities. While an aspiration of equality of service is commendable, any policy or practice must ensure that it is capable of being adapted in its implementation to make it more appropriate for local needs. In this regard, where possible, local commanders should be given more autonomy on how policies and practices are implemented while also achieving the overall policing aim. | Police Scotland | By end of August 2016 (5 months) |
| 6. Police Scotland should ensure that feedback provided by Local Scrutiny Committees is effectively responded to, including detail on how their feedback has impacted on decision making and, where it has not, the reasons for that decision. There must be clear communication channels that ensure feedback is directed through to decision makers and local commanders are fully briefed on why the final decision | Police Scotland | By end of June 2016 (3 months) |

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| has been taken. Decisions relating to or activity by national units must be effectively relayed to Local Policing and an engagement plan initiated. | | |
| 7. Police Scotland should establish a formal escalation process to allow Local Scrutiny Committees to record their disagreement with individual policing policy decisions. This process should ensure that major policy issues are resolved at senior officer level within Police Scotland rather than at Local Commander level. The SPA should be advised of any matters that require escalation. | Police Scotland | By end of June 2016 (3 months) |
| 8. The primary responsibility for local engagement rests with Police Scotland. The SPA Board should see its role as ensuring proper and effective arrangements are in place rather than attending Local Scrutiny Committee meetings. There should be a requirement on the SPA to assess annually how effective these processes are and they should formally seek feedback from committees as part of this process. The success or otherwise of local engagement should be reported on by the SPA as part of its Annual Review of Policing. | SPA | By end of June 2016 (3 months) |
| 9. The SPA should establish a process to share knowledge between Local Scrutiny Committees and should hold an annual forum to discuss issues and share experience. | SPA | By end of July 2016 (4 months) |
| 10. Scottish Government should conduct a review of the original organisational structures and remits established as part of the Police & Fire Reform (Scotland) Act 2012 to ensure responsibilities are clear and consistent with the intentions behind the reform. | SG | By end of March 2017 (12 months) |
| 11. Consideration should be given to reorganising or removing the service delivery responsibilities of the SPA and reinforcing its purpose as a governance body. This would focus particularly on its current service delivery responsibilities for Forensic Services, Independent Custody Visiting and Complaints & Conduct. | SG/SPA | By end of September 2016 (6 months) |
| 12. Following the review at Recommendation 10, the organisational structure and skills of SPA staff should be reviewed with the aim of enhancing the governance skills and removing duplication. | SPA | By end of December 2016 (9 months) |
| 13. The SPA in conjunction with Scottish Government should undertake a review of the skills required by Board members and prepare an updated skills matrix which should inform future recruitment. This review will need to take account of the other recommendations in this report. | SG/SPA | Immediate and ongoing |
| 14. The SPA should review the role and responsibilities of Board | SPA | By end of |

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| members to ensure they are focussed on the strategic aims and responsibilities of the Authority. Matters reserved for the Board should be clearly defined and schedules of delegated authority both from the Board to SPA officials and from the SPA to Police Scotland should be reviewed and updated. | | August 2016 (5 months) |
| 15.A review of the number and nature of the committees of the Board of the SPA should be undertaken to ensure they cover appropriately the work and responsibilities of the SPA. Committees should be seen as working groups who are able to conduct a 'deep dive' into key issues, and make recommendations to the full Board. They would not have decision making powers except when exceptionally delegated by the Board. Membership of the committees should also be reviewed and consideration given to increasing the breadth and depth of skills by introducing co-opted experts as members. | SPA | By end of June 2016 (3 months) |
| 16.SPA Board meetings which are principally for the purpose of decision making should be held in public. A clear set of criteria should be established for when matters may need to be held in closed session. These criteria should be publicly available. Meetings of committees are working sessions and should be held in private. All decisions will be made by the full Board based on recommendations from the committees. Agendas will be published in advance of the meetings. | SPA | By end of September 2016 (6 months) |
| 17.Governance of major projects and programmes should be overseen by SPA at an appropriate level, depending on the scale, scope and impact of each project. This could be achieved in a number of ways but must allow SPA to have full awareness of progress and identify when decisions have to be brought to the full SPA Board. | SPA | Immediate and ongoing |
| 18.The Accountable Officer needs to be able to fully undertake his responsibilities to Parliament. This requires him to have strategic oversight of the finance function and an ability to make directions if necessary. So that lines of accountability and responsibility are not blurred, a protocol should be established which sets out the circumstances and the process by which such an intervention should take place. | SPA | By end of June 2016 (3 months) |
| 19.The SPA should conduct a comprehensive review of its operating policies and procedures in the context of the governance framework referenced in Recommendation 2 and any change in its service delivery responsibilities under Recommendation 10. Its policies and procedures should be consolidated into a single operating manual. | SPA | By end of September 2016 (6 months) |
| 20.The SPA should have responsibility for reviewing policing policy where this may impact on public perception and | SPA / Police Scotland | By end of September |

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| <p>policing by consent. This should be a proactive process and done collaboratively with Police Scotland. The SPA should consider this in the context of its review of its committee structures and the skills matrix.</p> | | <p>2016 (6 months)</p> |
| <p>21.The SPA should clearly set out how it intends to hold the Chief Constable to account through a governance performance framework. This should set out clear performance standards against both the regulatory framework and operational performance. This should then be the basis on which performance reviews and assessments are conducted.</p> | SPA | <p>By end of June 2016 (3 months)</p> |
| <p>22.A complete review of the information and reporting requirements of both Police Scotland and the SPA should be undertaken. This should cover both routine, transactional reporting as well as analytical and comparative information required for performance management. This needs to be informed by the setting of an agreed performance framework and the modus operandi of the SPA as mentioned in earlier recommendations.</p> | SPA | <p>By end of September 2016 (6 months)</p> |
| <p>23.In determining information requirements for the SPA, operational information should be focussed on exception reporting only. A greater emphasis on strategic information, comparative analysis and benchmarking is required. The volume and quality of financial information should be enhanced significantly.</p> | SPA | <p>By end of September 2016 (6 months)</p> |
| <p>24.A review should be conducted by the SPA in conjunction with Scottish Government and Police Scotland of the various planning and strategic reports that are required, with a view to rationalising these and ensuring their purpose is clear. Clear ownership of and approval processes for these documents should be set out.</p> | SPA / SG / Police Scotland | <p>By end of December 2016 (9 months)</p> |
| <p>25.In setting our information requirements, emphasis should be given to ensuring that the SPA can demonstrate improvements in the quality of service that Police Scotland is providing.</p> | SPA | <p>Ongoing – annual reporting</p> |
| <p>26.Progress on updating information processing and management systems should be accelerated to reduce cost, improve turnaround times and allow for more open interrogation of data.</p> | Police Scotland | TBC |
| <p>27.The SPA should develop a broadly based stakeholder map which identifies key stakeholders, the reason for the relationship and objectives, an engagement plan and specific</p> | SPA | <p>By end of December 2016</p> |

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| actions. For each relationship a Board Member or senior official should be identified to own and manage that relationship. | | (9 months) |
| 28.As part of the development of the stakeholder map, we need to review the wider public policy objectives, identify what contribution we can make and set priorities and objectives to deliver that contribution, and be able to publicly report our progress through our annual reporting. | SPA | By end of December 2016 (9 months) |
| 29.SPA and Police Scotland should coordinate their respective approaches to stakeholder management, agree respective roles and objectives and provide regular feedback to each other on engagement and progress. | SPA / Police Scotland | By end of September 2016 (6 months) |
| 30.SPA and Police Scotland should re-visit their communication strategies and make their commitment to partnership working across the public sector more explicit. | SPA / Police Scotland | By end of June 2016 (3 months) |
