
Report to Resources & Audit Sub-committee

Date of Meeting: 9 December 2015

Subject: Scottish Police Authority Review of Police Governance

Report by: Councillor Archie Drummond (Convenor)

1.0 Purpose

- 1.1. Andrew Flanagan, the Chair of the Scottish Police Authority (SPA), has been asked by the Cabinet Secretary for Justice to conduct a review into police scrutiny and report back by March 2016. As part of that review, Mr Flanagan wrote to me on 17 November (copy at Appendix 1), inviting me as Convenor of the Resources & Audit Sub-committee to submit broader issues, views or evidence that I would wish him to consider within the review. Contributions are required by 16 December 2015.
- 1.2. The purpose of this report therefore is to consult the Sub-committee on the draft response prepared at Appendix 2, and, having done so, agree on a response to Mr Flanagan.

2.0 Recommendations

- 2.1. It is recommended that the Resources & Audit Sub-committee:
- 2.1.1. comment on the draft response provided at Appendix 2; and, having done so,
- 2.1.2. agree on a final response to Mr Andrew Flanagan, Chair of the SPA.

3.0 Considerations

- 3.1. Andrew Flanagan, the Chair of the Scottish Police Authority (SPA), has been asked by the Cabinet Secretary for Justice to conduct a review into police scrutiny and report back by March 2016.
- 3.2. The review will consider four key strands:

Strand 1 - ensure that local interests are effectively represented in national scrutiny processes; that decision making on national priorities, policies and programmes takes account of local needs; and that there is appropriate discretion and flexibility within national policies to reflect local circumstances.

Strand 2 - ensure that the Scottish Police Authority has the appropriate structures and skills to undertake effective scrutiny. In so doing identify any skills gaps and development requirements and consider any external expertise that needs to be brought to bear to support scrutiny of major change programmes.

Strand 3 - Review the information flows and communication between Police Scotland and the SPA to ensure the authority has all of the material and data required timeously to fulfil its scrutiny function; and the information made available to HMICS, the Scottish Government and the Scottish Parliament to fulfil their respective roles.

Strand 4 - Review the way the Authority works with other stakeholders to ensure its approach is rooted in partnership and contributes effectively to wider policy objectives across the public sector. Propose measures to strengthen communication with partners and communities about the work of the Authority and policing more generally.

- 3.3. Strands 2 and 3 appear essentially internal matters for the SPA, however, Strands 1 and 4 have a bearing on a number of matters raised at this Sub-committee, including approaches to stop and search, armed policing and community engagement. The response at Appendix 2 therefore is focused on Strands 1 and 4 but also includes reference to the powers of the Police Investigations and Review Commissioner that have also been discussed, in the context of improved access to information.

4.0 Sustainability Implications

- 4.1. There are no direct sustainability implications arising from this report.

5.0 Resource Implications

5.1. Financial Details

- 5.2. There are no direct financial implications arising in the report.

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. Staffing - no implications

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
Yes No Not applicable

9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Letter from Mr Andrew Flanagan, Chair, Scottish Police
Authority: Review of Police Governance

Appendix 2 - Draft response to Mr Andrew Flanagan, Chair, Scottish Police
Authority: Review of Police Governance

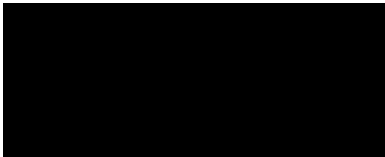
11.0 Background Papers

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)
Yes (please list the documents below) No

Author(s)

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A Drummond	Councillor & Convenor of the Resources & Audit Sub-Committee	2267

Approved by

NAME	DESIGNATION	SIGNATURE
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SENT BY EMAIL TO: Local Authority Scrutiny Conveners

17 November 2015

Our ref: AF/CW

Dear Convener

Scottish Police Authority (SPA) Review of Police Governance

You will be aware that I have been asked by the Cabinet Secretary for Justice to undertake a review of governance in policing and report by March 2016.

The Governance Review will ensure that robust accountability arrangements for the future are in place.

A key part of our approach will be to ensure that lessons learned during the operation of the single service to date inform our work.

My officers from the SPA's community accountability team have already made contact with council officers to follow up the recent local police scrutiny summit hosted by the Cabinet Secretary, with workshops planned for late November and December. This work is designed to primarily support the first strand of the review which relates to strengthening localism.

I would in addition like to invite you to submit any broader issues, views or evidence that you would wish me to consider within the review.

The review will consider the following four key strands:

- Ensure that local interests are effectively represented in national scrutiny processes; that decision making on national priorities, policies and programmes takes account of local needs; and that there is appropriate discretion and flexibility within national policies to reflect local circumstances.
- Ensure that the Scottish Police Authority has the appropriate structures and skills to undertake effective scrutiny. In so doing identify any skills gaps and development requirements and consider any external expertise that needs to be brought to bear to support scrutiny of major change programmes.

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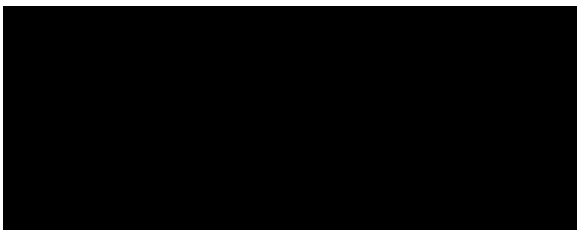
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- Review the information flows and communication between Police Scotland and the SPA to ensure the authority has all of the material and data required timeously to fulfil its scrutiny function; and the information made available to HMICS, the Scottish Government and the Scottish Parliament to fulfil their respective roles.
- Review the way the Authority works with other stakeholders to ensure its approach is rooted in partnership and contributes effectively to wider policy objectives across the public sector. Propose measures to strengthen communication with partners and communities about the work of the Authority and policing more generally.

More detail about the review, its remit, and the reference group I have appointed to advise its approach and progress can be found in the following section of the SPA website: <http://www.spa.police.uk/about-us/governancereview>.

I would welcome your organisation's views by Wednesday 16 December. Contributions should be sent via e-mail to Colette.Watson@spa.pnn.police.uk.

Yours sincerely



Andrew Flanagan
Chair



Contact:

Direct Tel:

Email:

Our Ref:

Your Ref:

Date:

Dear Mr Flanagan

Subject: Scottish Police Authority Review of Police Governance

Thank you for letter of 17 November 2015, inviting me to respond to the above. Having consulted with members of the Resources & Audit Sub-committee, please find my response as follows. These concentrate on strands 1 and 4, as matters we consider relevant to the committee in its scrutiny role and include a specific matter related to strand three that the Sub Committee has previously considered.

Strand 1

The local policing plan should provide the interface between local and national priorities. In that sense, we would contend that efforts should be focused on improving that process rather than any fundamental overhaul. Police plans (and for that matter performance reports) in our experience are of a good quality, providing crisp, concise analysis and logical priorities. The tension seems to arise in the understandable central drive for national standardisation and consistency, particularly in terms of the nature of performance indicators, outweighing a tolerance of more localised adaptation.

Local police plans should reflect local outcomes, and be recognisable to the reader in their contribution to local Single Outcome Agreements, for which all community planning partners are jointly accountable.

Strand 3

The death, earlier this year, of a young man in the custody of Police Scotland in Kirkcaldy highlighted the limits of the Police Investigations and Review Commissioner in relation to access to information, namely operational reports, and direct access to staff. Powers similar to those enjoyed by the Independent Police Complaints Commission in England and Wales would improve this.

Strand 4

If the Police Scotland policy planning framework is effective, there should be few surprises for local scrutiny committees arising from operational implementation; national policy development impacting locally, should be explicit in local police plans, which are refreshed and consulted on annually.

We recognise policing has to be sufficiently dynamic to react to events, but circumstances in which there is no consultation or communication with all stakeholders prior to policy implementation should be exceptional. The main tensions arise when the Sub-committee is more routinely informed of changes to national policy affecting local policing, either after the fact or just prior to implementation. This provides little scope to consider impacts or influence implementation within a local context.

We would suggest that local policing plans should contain a concise section on national policy developments or proposals. This would provide committee members the opportunity, during the consultation phase, to consider local implications through dialogue with local commanders in advance of implementation.

I trust these comments are helpful to you in your endeavours.

Yours sincerely

Cllr A Drummond
Convenor, Resources & Audit Committee