

LETTER SENT VIA EMAIL ONLY

Ms Mary Fee MSP
Convener
Justice Sub Committee on Policing
Scottish Parliament
Edinburgh

26 June 2017

Our ref: AF/042/17/LW

Dear Convener

FURTHER SPA BOARD RESPONSE TO HMICS THEMATIC INSPECTION – OPENNESS AND TRANSPARENCY

Following my letter of 21 June 2017, I write to update the Sub Committee on the further considerations of the SPA Board on the recently published HMICS inspection report on SPA transparency.

As I indicated in my earlier letter, the Board had the opportunity within its public meeting of 22 June 2017 to consider the findings and recommendations of the HMICS report, and to receive some initial feedback on the evidence session you held with Mr Penman earlier that afternoon.

The Board have a shared determination to address the issues within Mr Penman's report. The Board believes that the circumstances that influenced our decisions last December around the holding of committees in closed session have changed, and our views have changed with the changing circumstances.

The Board fully endorse the announced review of SPA executive structures and support - an initiative also supported by the SPA Chief Executive and staff. We very much regret the perception that some reporting of the HMICS report has created around any lack of capability of SPA staff. We believe this perception was not the intention of the report. SPA staff have worked very hard over the past year in challenging and changing circumstances, and both the Board and CEO have acted over the subsequent days to mitigate the potential impact on staff morale.

While your own evidence session was helpful in understanding the intention behind some of the HMICS findings and recommendations, the Board remain of the view that further clarity is required on the evidence base that underpinned some of the recommendations, and therefore how best the SPA can tailor a response. For example, the recommendation around diversity. To progress this, John Foley and I will engage further with Mr Penman in the coming weeks.

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I have also asked my fellow Board member David Hume, already nominated to consider a review of the SPA governance changes and implications, to engage further with both HMICS and Audit Scotland. That will also allow us to consider the prioritisation and interdependency of the HMICS findings with our own proposed work, and thus allow us to fully address the recommendation that we postpone our own planned review.

Board members are particularly keen to emphasise that the views and engagement of stakeholders are vital and welcomed in shaping the direction and oversight of policing. The focus on advance stakeholder engagement and full public consultation that we championed and endorsed on the Policing 2026 work is a demonstration of that. It needs to be reinforced that the development of the Policing 2026 strategy was a JOINT endeavour with Police Scotland, and not simply one carried out by Police Scotland and approved by the SPA.

I also welcome the report's acknowledgment of some of the initiatives that the Board is progressing on engaging staff associations in a participative way in the governance of policing and not simply as observers, with the People committee a notable early example. We have adopted a structured approach which provides both staff associations and unions with engagement at a strategic leadership level, with the opportunity to input to regular 'climate checks' at the People Committee, and through regular engagement with SPA executive officers.

A key building block of the upcoming review of executive structure and support must also be achieving renewed clarity around the statutory responsibilities and civic expectations of the SPA as a whole – both non-executive and executive. My colleague and Deputy Chair Nicola Marchant and local authority CEO Malcolm Burr will begin early engagement on the review of how SPA supports the Board shortly. I believe it would be helpful if engagement with you and some of the Sub Committee members could form part of that work.

The Board have agreed that, informed by this further engagement and review work, we will discuss further at our next Board meeting in August by which time I expect the SPA to have matured its required action plan. I will update the Sub Committee in due course.

Yours sincerely

Andrew Flanagan
Chair, SPA