



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Sub-Committee on Policing

Humza Yousaf
Cabinet Secretary for Justice
Scottish Government

By e-mail

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Dear Humza,

Thank you for providing evidence to the Sub-Committee on 5 October on the police governance and accountability review.

During the evidence session you confirmed that the review group is to meet shortly to consider a formal remit. It would be helpful if you would clarify the date of the meeting, where information on meetings might be located online, and details of the formal remit, once agreed.

It is important to seek a range of views on the identified issues and to learn lessons. The Sub-Committee therefore welcomes your commitment to seek input from the former Chair of the SPA, Susan Deacon.

The Sub-Committee also welcomes your acknowledgement of the importance of including the third sector, human rights groups, local authorities, those representing black and minority ethnic communities, and members of the public in the work of the review group. You indicated that a mapping exercise is to be undertaken to determine the level and type of outreach work. Once the remit and mapping exercise have been agreed, could you please confirm the issues on which the group will seek the views of external stakeholders and members of the public, the timeframe, and the ways in which they will be able to contribute.

The Sub-Committee agrees with your view that the issues raised by Mr Robert Black in his report on *Oversight of Policing in Scotland: Independent Review of the Role of the SPA, The Chair and Members*, should be considered by the review group.

In his report, Mr Black outlines two possible scenarios for the role of accountable officer. The first is for the Chief Constable to be the accountable officer instead of the Chief Executive of the SPA, and the second is for the Chief Executive of the SPA and the Deputy Chief Officer in Police Scotland to share joint responsibility for the accountable officer statutory duty. Could you please clarify that for each scenario, and any others which might be considered, that the accountable officer/s would remain personally answerable to the Parliament for the exercise of their functions as stated in the Accountability section of the Scottish Public Finance Manual?

Mr Black also recommends that the scheme of delegation should give explicit authority to the senior staff of Police Scotland to undertake spending up to a specified limit, and that Police Scotland should only engage with relevant SPA committees at the early stages of project planning when they go beyond that limit.

The Sub-Committee would like to be kept updated with how this issue is progressed. In particular, how the review group will ensure that the SPA is able to consider whether ethical, legal, data protection, and human rights impacts have been assessed prior to spending decisions being made by Police Scotland, or possible trials of new technologies undertaken. The public sector equality duty requires all Scottish public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations and to use equality impact assessments when appropriate as a means of assessing these issues.

The lack of engagement by the SPA and Police Scotland with local authorities and communities in seeking their input to policing decisions has been well documented. In response to the Justice Committee's report on its post-legislative security of the Police and Fire Reform (Scotland) Act 2012, commitments were given by the Chief Constable and the then Chair of the SPA, Susan Deacon, to improve engagement. The inclusion of Councillor Kelly Parry as a member of the SPA's Policing Performance Committee is a welcome development. However, the police governance and accountability review provides a timely opportunity to seek the views of locally elected representatives and their communities on whether engagement has improved and previous issues have been resolved. It would be helpful if you could please clarify how engagement is to be considered by the review group.

A response after the next meeting of the review group would be appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Finnie', with a small dash at the end.

John Finnie MSP
Convener, Justice Sub-Committee on Policing