



# HM Inspectorate of Constabulary in Scotland

## Improving Policing across Scotland

Wednesday, May 11, 2017

### PRESS RELEASE

## HMICS Thematic Inspection of the Scottish Police Authority - Terms of Reference

### Phase 1 – Review of Openness & Transparency

HM Chief Inspector of Constabulary in Scotland Derek Penman has today published his terms of reference for phase 1 of the thematic Inspection of the Scottish Police Authority (SPA). This will focus on a review of openness and transparency in the way that it conducts its business.

HMICS has committed to a statutory inspection of the Scottish Police Authority (SPA) as part of its Scrutiny Plan for 2017-18. This was initially planned to take place during the year, gathering evidence to support an assessment of the overall **state, effectiveness and efficiency of the Scottish Police Authority** and publishing its report in January 2018.

However, following the evidence given by the SPA at the Public Audit and Post-Legislative Scrutiny Committee and the Justice Sub-Committee on Policing the Cabinet Secretary for Justice has requested that HMICS bring forward an element of its inspection. This relates to issues around openness and transparency in the way SPA conducts its business, specifically in terms of the Authority's decision to hold committee meetings in private and restrict the publication of meeting papers.

The Public Audit and Post-Legislative Scrutiny Committee has also heard evidence from the SPA over its recent handling of the resignation of Board member Moi Ali and expressed concerns, particularly in terms of compliance with recognised guidance.

Today Mr Penman confirmed that “the overall aim of this review will be **to assess the openness and transparency in the way that the Scottish Police Authority conducts its business**. It will specifically examine the Authority's decision on holding meetings in private and the publication of meeting papers and also assess the Authority's compliance with relevant legislation, guidance and standing orders and the awareness and understanding of the Chair, Board members and SPA officers of these”.

Mr Penman added “HMICS will engage directly with the key stakeholders, including police staff associations, members of the media and others who have a specific interest in the policing of

Scotland and who may wish access to SPA meetings and papers. We will also engage directly with local authorities in terms of their statutory role in local scrutiny and governance”.

The inspection will be delivered as a single stage and will include the following elements:

- A review of the development of the Chair’s Governance Review and subsequent SPA Governance Framework. This will be restricted to an examination of how the SPA came to its decision around the meeting structures, privacy and distribution of papers.
- Stakeholder engagement to gather and assess the views of those with an interest in the policing of Scotland and who may wish access to SPA meetings and papers.
- A review of evidence provided to the Public Audit and Post-Legislative Scrutiny Committee, Justice Committee and the sub-committee on Policing. The purpose of this will be to identify relevant issues or concerns that have been raised by members of the Scottish Parliament and used to inform our inspection.
- A review of media reporting in relation to openness and transparency in the way that the SPA conducts its business.
- A review of the SPA handling of the issues leading up to and arising from the resignation of Moi Ali as a Board member.
- An assessment of the Chair, Board members and SPA officers’ awareness and understanding of their specific roles and obligations. This will include an examination of the induction processes for Board members and involve interviews with the Chair, Board members and selected SPA officers. It will also include observations at private and public meetings to assess the conduct of meetings.

HMICS has a statutory duty to co-operate and co-ordinate activity with Audit Scotland. Given the statutory interest of Audit Scotland in the governance and accountability of the Scottish Police Authority, it has been agreed that it will support HMICS on this inspection. HMICS will also work with Audit Scotland to ensure alignment with planned External Audit work regarding governance standards and its previous report on the Role of Boards.

HMICS has made every effort to expedite this inspection and support the Cabinet Secretary’s request for a report to be submitted within one month. However, given the time needed to conduct the review and produce a report, we have reassessed our planning assumptions and are now committed to submit our report to the Scottish Parliament on **22 June 2017**.

## **NOTES TO EDITORS**

HM Inspectorate for Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the ‘state, effectiveness and efficiency’ of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA).

We have a statutory duty to enquire into the arrangements made by the Chief Constable and the SPA to meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.

**This inspection will be undertaken by HMICS in terms of Section 74(2) of the Police and Fire Reform (Scotland) Act 2012 and laid before the Scottish Parliament in terms of Section 79(3) of the Act.**

The HMICS Thematic Inspection of The Scottish Police Authority - Terms of Reference is available to download from the HMICS website [www.hmics.org](http://www.hmics.org).

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**ENDS**