



## **HM Inspectorate of Constabulary in Scotland** **Improving Policing across Scotland**

**Wednesday, June 21, 2017**

### **PRESS RELEASE**

## **HMICS PUBLISHES Thematic Inspection of the Scottish Police Authority - Phase 1 Review of Openness and Transparency**

A review by HM Inspectorate of Constabulary in Scotland (HMICS) into the openness and transparency of the way that the Scottish Police Authority conducts its business has concluded that there is a need for the Authority to genuinely engage with its stakeholders and listen to the views of those with an interest in the policing of Scotland.

The inspection was brought forward at the request of the Cabinet Secretary for Justice and followed from concerns raised by the Scottish Parliament Public Audit and Post-Legislative Scrutiny Committee (PAPLS) and the Justice Sub-Committee on Policing.

Commenting on his report, HM Chief Inspector of Constabulary in Scotland said, "I have previously observed that effective scrutiny of policing in Scotland is essential in maintaining both legitimacy and public confidence. The scrutiny of policing must not only be effective, it must also be seen to be effective. While there have been positive improvements under the current Chair, the recent parliamentary scrutiny and media concerns over openness and transparency have weakened confidence in the SPA and detracted from its ability to perform its statutory function."

The report acknowledges positive signs of improvement within the SPA Board operations over the last 18 months. The relationships between the SPA and Police Scotland have improved significantly and the shared development of the Policing 2026 Strategy has been a major milestone. Other developments including improved financial reporting, investment in change management, governance of police call handling and the implementation of Board and committee workplans, are all evidence of good progress. There is also a strong commitment from the Chair and all members to support policing and drive improvement.

Commenting on the previous decision by the SPA to hold its committee meetings in private and restrict the publication of papers to the same day as its meetings, Mr Penman said, "While I recognise and fully support the need for members to have private space and receive confidential briefings in support of their role, I firmly believe that the formal scrutiny of policing in Scotland should be in public."

"There is a statutory presumption in favour of these meetings being held in public and I believe that the SPA has taken a narrow interpretation of the legislation in support of its decision to hold committee meetings in private."

“I have previously recognised the legitimate interest of the media in reporting on SPA proceedings and consider that agenda and papers should be published in advance of meetings to promote transparency and inform stakeholders and those with an interest in the policing of Scotland.”

The report welcomes the recent decision by the SPA to revert to holding its committee meetings in public and publishing papers in advance, but concludes that there is a need to listen to the views of stakeholders to maintain public confidence, and on this occasion the SPA has failed to do so until pressed by parliamentary committees. The SPA must recognise the legitimate interests of parliament, local authorities, staff associations, the press and the wider public in the scrutiny of policing in Scotland.

The report also looked at the issues arising from the recent resignation of Board Member Moi Ali and acknowledges that she acted fully in accordance with On Board guidance. It highlights that there has been an acceptance by the Chair that he did not deal with Moi Ali appropriately and that he has since made a public apology.

HMICS identified weakness in the current executive structures and welcomes the recent announcement by the Cabinet Secretary for Justice that there will be a review of the way that the SPA Board can be better supported to deliver its statutory functions.

This report is intended to support improvement and makes 11 recommendations. HMICS will request an action plan from SPA outlining how it intends to address these with agreed timescales.

## **NOTES TO EDITORS**

### **Key Findings from the Report are listed below.**

It was intended to lay this report before the Scottish Parliament and publish on Thursday 22 June 2017. However, given that an embargoed copy of the report was passed to media and has been reported on, HMICS has taken the decision to bring this forward to 1100 Hours on Wednesday 21 June 2017.

HM Chief Inspector of Constabulary, Derek Penman is giving evidence on his report to the Scottish Parliament Justice Committee on Policing at 1300 Hours on Thursday 22 June 2017 and will not be available for media bids.

The report is now available to download at the HMICS website [www.hmics.org](http://www.hmics.org)

For any media enquiries please contact:

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## Key findings:

- There have been positive signs of improvement in SPA Board operations and relationships which reflect a genuine commitment to good governance. This is also a clear commitment from the Chair and all Board members to improving policing.
- There is strong support for the Chair from all current Board members. They are appreciative of his leadership and the direction he has brought to the Board.
- The Governance Review was owned by the Chair and influenced by his experience of private sector governance models.
- There was a clear expectation amongst stakeholders that they would be consulted on the implementation of the Governance Review and have an opportunity to influence it further. This expectation was not met and many stakeholders were unhappy that the Corporate Governance Framework was not shared until after it was agreed by the Board.
- The decision in August 2016 to allow committee Chairs to decide on whether to hold meetings in private was precipitous and should not have been implemented until the approval of the new Corporate Governance Framework.
- The Police and Fire Reform (Scotland) Act 2012 creates a statutory presumption in favour of Board and committee meetings being held in public. The SPA has taken a narrow interpretation of the legislation in support of its decision to hold meetings in private.
- Many stakeholders feel that the decision to hold meetings in private and withhold papers has been detrimental to their interests in the policing of Scotland and has impacted negatively on the effectiveness and legitimacy of the SPA.
- Whilst there have been improvements between Police Scotland and local scrutiny and engagement committees, there remains an expectation that national governance arrangements through the SPA will be fully transparent to local stakeholders.
- The negative feedback and public criticism of the SPA proposals to hold committee meetings in private and restrict the publication of papers was entirely foreseeable.
- HMICS fully accepts the need for private discussion and the free exchange of views amongst members and with police officers, staff and other stakeholders. However, a balance must be struck between private and public meeting space to ensure that scrutiny takes place in an open and transparent way.
- The decision to limit the publication of meeting papers to the day of a meeting was taken primarily to mitigate against issues being played out in the media before members had an opportunity to discuss. Some members believed that media coverage in advance of meetings could detract from meaningful debate at Board meetings, although HMICS acknowledges that it could equally inform members of the potential impact of their decisions.
- HMICS does not consider that the use of an informal media embargo imposed by the SPA on the release of publicly available information is either desirable or sustainable.
- The Chair and all Board members have a good awareness of *On Board* guidance, although there were differing interpretations of 'collective' or 'corporate' responsibility.
- There is no evidence of systemic bullying within the SPA or concerns amongst current members.
- HMICS finds that former Board Member Moi Ali acted fully in accordance with *On Board* guidance and that the Chair did not properly interpret 'collective responsibility'.
- There has been an acceptance by the Chair that he did not deal with former Board Member Moi Ali appropriately and he has since made public apology.
- HMICS is unable to identify the authority under which the Chair indicated he would not nominate Moi Ali as a member for committee membership nor any formal criteria which would have justified such a decision.

- There is a lack of clarity in the processes to be followed by the SPA when concerns are raised around a member's conduct. These should be detailed within the SPA Standing Orders.
- There are shortcomings in the current executive structures and the capacity of the Chief Executive, senior managers and committee support services to provide the level of expert advice and governance support to the Board. This is a fundamental weakness in SPA's current arrangements.
- There is dysfunction in the relationship between the Chair and Chief Executive, and there have been challenges for the Chief Executive and his senior management team in managing long-term secondments and absences. This is impacting on the effectiveness and efficiency of the SPA to perform its statutory function.

**ENDS**