



HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Thematic Inspection of the Scottish Police Authority – Terms of Reference

March 2019

HM Inspectorate of Constabulary in Scotland

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012¹ 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 ensure that the Chief Constable and the SPA 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 powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions
- The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions
- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit
- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given
- Where we make recommendations, we will follow them up and report publicly on progress
- We will identify good practice that can be applied across Scotland
- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

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.²

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.

¹ Chapter 11, Police and Fire Reform (Scotland) Act 2012.

² HMICS, [Corporate Strategy 2017-20](#) (2017).

Our inspection

Introduction

1. HM Inspectorate of Constabulary in Scotland (HMICS) has committed to a statutory inspection of the Scottish Police Authority (SPA) as part of its Scrutiny Plan for 2018/19.³
2. HMICS published its report 'Thematic Inspection of the Scottish Police Authority – Phase 1 Review Of Openness and Transparency' on 21 June 2017.⁴ This report was produced as a result of a request from the Cabinet Secretary for Justice and in response to parliamentary scrutiny. The eleven recommendations which were made in the report have since been fully discharged.
3. It is acknowledged that there has been significant change since June 2017, not least the appointment of a new Chair and a new Chief Executive of the Authority, and as such it is not felt appropriate to follow up our Phase 1 review with a Phase 2. Rather this is a new piece of work to consider the function of the Scottish Police Authority at a strategic level.

Aim

4. The aim of this inspection will be to assess the effectiveness and efficiency of the Scottish Police Authority in terms of fulfilling its core role. It will scrutinise how the Scottish Police Authority is meeting its statutory obligations under the Police and Fire Reform (Scotland) Act 2012 and as a public body.
5. The inspection will examine issues relating to the SPA, in terms of its relative role, responsibilities and relationships with Police Scotland, Scottish Government, and Scottish Parliament and the separation of politics from policing. HMICS will consider the independence of the SPA, the operational responsibility of the Chief Constable and how the SPA exerts effective governance in this context.

Background

6. The Scottish Police Authority was established on 1 April 2013. The main functions of the Authority are:
 - To maintain the Police Service
 - To promote the policing principles
 - To promote and support continuous improvement in the policing of Scotland
 - To keep under review the policing of Scotland
 - To hold the Chief constable to account for the policing of Scotland.

³ HMICS, [Scrutiny Plan 2018-19](#), April 2018.

⁴ HMICS, [Thematic Inspection of the Scottish Police Authority – Phase 1 Review Of Openness and Transparency](#), June 2017.



7. The strategic vision for the SPA is 'to provide the people of Scotland with the very best police service possible and to strive for excellence in everything that we do'. This is supported by a Strategic Policing Plan (the 2026 Strategy),⁵ which sets out four strategic priorities:
 - Better outcomes of safety and wellbeing
 - Faster, more informed services
 - Improved public confidence and community relations
 - More information and better public engagement
8. The one year SPA Improvement Plan 2018/19⁶ focuses on four priority areas for action:
 - Board and Committees
 - improving internal governance, policies and procedures
 - strengthening external relationships and procedures
 - building the SPA executive team's capacity and capability.

Inspection Terms of Reference

9. This inspection will be undertaken by HMICS in terms of the Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012.

Scope

10. HMICS will consider the fundamental role of the SPA, set against the original policy intentions which created it and subsequent legislation. We will provide a comparative overview of different police governance models in other jurisdictions and identify any good practice or improvement areas.

Exclusions from Scope

11. HMICS will be considering the role of the SPA at a strategic level and will not be inspecting day to day operations in detail.

Outcomes

12. Our intended outcomes from this inspection and its publication are to:
 - Provide independent assurance as to the efficiency and effectiveness of the SPA in terms of its core role and advice on potential options for improvement
 - Enhance efficiency of scrutiny and decision making about policing matters in Scotland
 - Highlight areas of good practice and any areas for improvement.

⁵ Policing 2016: [Serving A Changing Scotland](#).

⁶ SPA, [Improvement Plan 2018/19 – SPA Board](#), 2 May 2018.



User perspective

13. As set out in the Public Services Reform (Scotland) Act 2010, HMICS has a duty to demonstrate continuous improvement in user focus i.e. involving users in the scrutiny process. In this inspection we will use available information from the SPA and Police Scotland and Scottish Government as “users” of its services. HMICS will engage directly with key governance groups and stakeholders. We will also engage with COSLA and SOLACE to ensure that the views of local communities are reflected through their councils and elected members. Similarly, direct engagement with staff associations and unions, staff and professionals from the organisations involved will also form part of the inspection process.

Methodology

14. We will use the HMICS Inspection Framework⁷ which is based on the Public Service Improvement Framework (PSIF), the European Foundation for Quality Management (EFQM) Excellence Model and Best Value Characteristics. The Inspection Framework will provide a structure to our inspection which will be risk-based, proportionate and focussed on improving the delivery of policing in Scotland. We will structure our inspection around six themes:

- Outcomes
- Leadership and Governance (includes openness and transparency)
- Planning and Processes
- People (internal structures will be out of scope)
- Resources
- Partnership

15. Between March 2019 – June 2019 we will:

- Identify single points of contact for HMICS in SPA and Police Scotland to support the inspection process and to facilitate appropriate access to people and information
- Liaise regularly with SPA, Police Scotland and Scottish Government and maintain ongoing engagement with other key stakeholders
- Observe a number of SPA Committees and Board meetings (Public and Private)
- Examine relevant documentation including policies, procedures, performance and management information including strategies and plans. Where possible we will access these documents from open sources, but this phase may require SPA and Police Scotland to provide information directly to us. This information will assist in determining our overall judgement as to how well the SPA fulfils its core role
- Conduct a comparative overview of the legislative basis and delivery of police governance models in other jurisdictions.

16. HMICS will engage with Audit Scotland to ensure alignment with planned External Audit work and similarly with Internal Auditors Scott Moncrieff.

⁷ HMICS, [Inspection Framework](#), May 2018.



Reporting

17. We anticipate publishing a report of our findings in **July 2019**. Our report will be published in terms of Section 79 of the Police and Fire Reform (Scotland) Act 2012. A copy of the report will also be provided to the Scottish Police Authority, the Chief Constable, PIRC and the Cabinet Secretary for Justice and laid before the Scottish Parliament. A copy will also be made publicly available on the HMICS website.

18. For further information about the inspection of the Scottish Police Authority please contact Tina Yule, Lead Inspector - Christina.Yule@gov.scot

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