

LETTER SENT BY EMAIL ONLY

Jackie Baillie MSP
Interim Convener
Public Audit and Post-legislative Scrutiny Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

25 May 2017

Dear Ms Baillie

We write jointly in response to the request made of us as non-executive members of the Scottish Police Authority (SPA) to consider further with the Chief Executive certain issues raised at the 11 May 2017 meeting of the Committee.

The issues were in relation to the response made by the SPA to:

- the handling of information believed by Ms Moi Ali to have been held by the SPA and requested by her in relation to an issue in 2015;
- recent requests from Ms Ali for information she requested from the SPA as a private citizen that she would previously have had access to as a board member, and;
- handling of the PAPLS Committee's own requests for relevant minutes and file notes of meetings held by the SPA in private session.

We have together engaged directly and collectively with the Chief Executive on these issues and sought the opportunity to understand and scrutinise each of these issues.

We understand that the comment made by Ms Ali about what was conveyed to her verbally in 2015 is disputed by the other party involved. From the information provided by Mr Foley, we are satisfied that, when the issue was raised with him by Ms Ali, he carried out an appropriate response to the request for any formal information held, that he sought relevant guidance about statutory and legal obligations, and that he pursued an investigation to a point where he had considered and exhausted the sources of available information. We further understand that matters of contention between Ms Ali and the former Chair of the SPA were also the subject of a process involving the Scottish Government. While that is a confidential matter, it does provide further assurance that the issue was able to be escalated, considered and addressed through a formal process.

On the recent information requests by Ms Ali, we are satisfied that the requests for information made by Ms Ali have been handled in a way that is consistent with policy, and the subsequent release of information is consistent with the approach that would be taken with any member of the public. Further requests from her remain outstanding and we have sought, and received, assurances that these will be addressed within the obligations and timescales required of a public body dealing with a request from a member of the public.

On the further request from the PAPLS Committee itself for access to SPA file notes from private meetings, we understand that the Chief Executive has been working to assemble the relevant information that falls within scope. He is equally focussed on ensuring that in any subsequent release of such papers, full consideration is given to ensure that the SPA is acting consistently with its legal obligations. We understand that the proposed approach of the Chief Executive is to seek a meeting with the Acting Convener and clerks in the coming days to discuss the implications of release and we endorse this approach as a sensible way forward. We stress that this would be a meeting to reach a consensus about how best to release as much information as practical rather than why not to do so.

In conclusion, we would also convey to the Committee that the Board remains fully alive to the issues discussed with us on 11 May on fostering a high level of openness and transparency in how the SPA carries out its business. We each passionately believe in that approach and, as already signalled, we are taking steps to consider early changes to our governance at the Board's meeting on 25 May. The stage 1 inspection report by HMICS due by the end of June will provide a further focus for this, as will our own commitment to build on that with work being led by David Hume. In addition, and appropriately, the SPA's commitment in this regard will be kept under formal review by its Audit Committee.

Yours sincerely

George Graham, David Hume, Iain Whyte
SPA Board Members