

Letter from Moi Ali to the PAPLS Committee, dated 6 March 2017

I refer to the discussion at the Public Audit and Post-Legislative Scrutiny Committee on 2nd March 2017. I am writing to correct inaccuracies in the evidence of the Chair of the Scottish Police Authority, Andrew Flanagan.

Andrew Flanagan told the Committee that: *“Board members must be, if we’re going to conduct ourselves in public, must be clear about their intentions and communicate their positions ahead of time. In this case, the Board Member did not – and that’s what I took issue with... It’s ironic actually that if there had been openness and transparency from the member, then this situation would not have arisen.”*

On at least two occasions, on the telephone and face-to-face, I made clear my intention to voice concerns about aspects of the governance review at the December 2016 Board meeting. I then raised concerns publicly about just two (of 30) proposals in the governance framework. I would urge Committee members to watch this (<https://livestream.com/SPA/events/6752430> – the relevant footage begins approx. 2 hours 36 minutes into the video.) Similar concerns were subsequently expressed by key stakeholders such as the Auditor General and HMICS – and backed by the First Minister.

Notwithstanding the fact that I *did* inform the Chair of my intentions, Board members should not have to “communicate their positions ahead of time”. To do so would mean reaching a fixed decision in advance of a meeting, without having heard and possibly been influenced by others’ views. If Board members’ intentions had always to be conveyed to the Chair in advance, the public Board would be a theatrical playing-out of decisions reached outwith the Boardroom – without the benefit of constructive challenge and the opportunity for a different outcome following open and transparent discussion and debate. That is not good governance.

In any event, even if I had not informed the Chair of my intentions in advance, his response that this was a resigning matter and that I should not be allowed to hold committee membership, was utterly disproportionate. If, as he stated to the Committee, the Chair’s only concern was that he did not know my intentions, why bar me from committees? This appears to be a very punitive action to take.

Even if all of this stemmed from a genuine misunderstanding on his part, the appropriate response was surely a face-to-face conversation in order to seek clarity, rather than a formal letter to my home address on the eve of Christmas.

Andrew Flanagan’s evidence to Committee suggested that his sole concern was my failure to inform him of what I planned to raise. This account is at odds with the letter he sent me, which focuses on collective responsibility. The Scottish Government’s guidance on good governance in public boards, ‘On Board,’ allows for constructive challenge in public, and disagreement to be recorded in the minutes – so long as once a decision is taken, members either accept and support it, or resign. He appears to

have assumed from the fact that I voiced concerns, that I did not accept collective responsibility for the eventual decision – despite my assurances to the contrary before the meeting. At no point since the Board meeting has he sought to establish whether I accepted collective responsibility.

It is self-evident that collective responsibility can only happen *after* a decision has been taken. In expecting it before that point, Andrew Flanagan must have believed that the Board had in fact already taken the decision before the Board meeting had even taken place. If that is so, then ‘public’ decision-making can only be a charade, with the full discussion and establishing of positions occurring in private. Good governance requires visibility of the process that leads to eventual decisions – including the airing of minority views.

Private, confidential discussion has its place, but public debate – including the voicing of contrary viewpoints – should be the default. If a united front is always presented, there will be an understandable perception that public “decisions” are a rubber-stamping of private discussions. Trust and confidence is eroded if stakeholders see only sterile, inauthentic, stage-managed meetings.

Equally, if Board papers are published only on the day of the meeting, a valuable stakeholder input is lost. In my experience, it is helpful for stakeholders to have advance sight of the papers so that they can inform decision-making by bringing to Members’ attention issues of importance which may not have been considered, thus influencing the debate by providing a wider range of viewpoints for consideration. Advance media coverage also serves that purpose.

I did not bring this matter into the public domain and it is with regret that it is being played out in this damaging way. I received Andrew Flanagan’s letter in December 2016 and it was only when I heard his evidence to your Committee in March 2017 that I felt obliged to release it, in defence of my own reputation. (When the Herald journalist approached me in February 2017, I answered his questions honestly but would not release the Chair’s letter.)

After almost two decades’ experience on public boards across the UK, including four-and-a-half at the SPA, I am saddened that as a result of Andrew Flanagan’s actions, I can no longer play a part in the governance of policing.

I hope that this account is helpful to you. I am willing to provide additional information if required.

Yours faithfully,

Moi Ali