

LETTER SENT BY EMAIL ONLY

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

4 May 2017

Dear Ms Baillie

I write in response to the communication from Terry Shevlin, clerk to the committee, of 26 April 2017 confirming requested information following the evidence session the SPA Chair and I attended last month.

In response to points two and three of your request:

- I enclose a copy of the draft Professional Advice Note in relation to forensic services governance sent to the SPA by HMICS in August 2016;
- I can confirm that I briefed SPA members on HMICS intention to inspect the Authority later in 2017 at the members' business meeting held on 11 January 2017 (though members were also made aware of that intention via a prior update from our communications team following statements given to media by HMICS on 4 January 2017).

In relation to your substantive request for notes of all private SPA member discussions, I enclose a document which includes all extracts relevant to the governance review, its implementation, and the revised governance framework between December 2015 (when work on the Chair's review had matured beyond initial evidence gathering) and February/March/April of 2017.

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For clarity, the private meetings referred to in our previous evidence session are not meetings that the SPA has recently chosen to hold behind closed doors, nor are they formal governance or scrutiny meetings. They are regular, largely monthly business meetings where all the members come together for working discussions - with one another, with SPA officers, and where relevant with Police Scotland representatives. This is the only occasion on which all members have an opportunity for collective discussion other than in the formal board meetings. They have been held in a broadly similar format since the SPA was formed in 2012.

Please see below an extract from the SPA Corporate Governance Framework (approved by the Board at its public session meeting on 15 December 2016 and published on the SPA website) which sets out the purpose and parameters of Members' business meetings:

Members' Business Meetings

42. The primary function of Members' business meetings is to provide appropriate time for Members to discuss and review strategic issues that may impact on the business of the Authority, taking into consideration the internal and the wider justice and public sector environments - this may involve extending invitations to the HMICS, Scottish Government and others to meetings as required.
43. The Members' business meeting will be chaired by the Chair of the Authority, but will not be a formal meeting of the Board. The meetings will be used to support the development and management of Board business and will not be decision-making meetings. There may be occasions when the Chair and Board Members wish to hold private discussions and Members' business meetings may be used for that purpose.
44. All Members are expected to attend Members' business meetings, as well as the Chief Executive Officer. There is an open invitation from the Chair to the Chief Constable to attend these meetings; other representatives from Police Scotland will be invited to attend by invitation only, and similarly SPA officers should only attend for relevant agenda items.

I am providing the notes held of all governance-related discussions within these meetings which fulfils the commitment given verbally by the chair to the Committee last month. I will also be publishing the information on the SPA website to ensure that everyone with an interest in this issue is able to consider information to the same level of detail.

For your information, a note of these meetings is taken by an SPA officer and is then circulated to, and subsequently approved by, all the SPA members who attended the meeting.

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I believe that from these notes of discussions on governance, and pertinent to the Committee's previous lines of questioning, you will see that:

- developing revised governance approaches were a feature of board throughout 2016 and did not simply emerge in the lead up to the December approval of a new framework;
- members prepared themselves to take public decisions on the revised governance framework with considerable awareness of the range of views of other stakeholders, including HMICS;
- members acknowledged and debated that there were both potential benefits and potential challenges in adopting the revised approach, and;
- agreed the need for the review of revised approach in order to weigh benefits and any drawbacks.

Above all, you will see a regular and sustained thread of comment from the chair and other members of the need for the important issues and decisions on policing to be addressed in public.

For completeness I wish to advise that Board Members engaged with SPA Officers in a Governance Workshop on 24 August 2016. The Workshop was to informally discuss service delivery elements of the Chairs Governance Review. Discussions included reference to the draft HMICS Professional Advice Note on Forensic Services which had been provided prior to the Workshop taking place.

I can also confirm that current SPA members David Hume, Iain Whyte and George Graham will attend your further evidence session on Thursday, 11 May 2017.

Finally, I am writing today under separate cover with responses to your follow up queries in relation to i6.

Yours sincerely

JOHN FOLEY
Chief Executive Officer