

**LETTER SENT BY EMAIL ONLY**

Terry Shevlin  
Clerk to the Public Audit and Post-legislative Scrutiny Committee  
Room T 3.60  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

9 May 2017

Dear Mr Shevlin

**Further Background Information**

In my response to the Committee of Thursday, 4 May 2017 I provided a range of internal SPA information that was requested by PAPLS Committee members.

Alongside, the request from the Committee, I have also been considering a request for further layers of internal information requested by the former SPA member Ms Moi Ali. These relate primarily to the development and agreement from late December 2016 to early February 2017 of an agreed file note of the internal SPA member discussion of 5 December 2016 on governance. I have today written to provide Ms Ali with a comprehensive set of information on that. That package also provides an extract from a minute of the closed Board meeting of 15 December 2016. While not an agenda item about governance (it was on the PREVENT strategy to counter extremism), it captures comments from Ms Ali related to transparency and so I include for completeness.

Although the level of information requested by Ms Ali is different to that requested by the Committee, given Ms Ali is contributing to your evidence session on Thursday, I think it only right that PAPLS committee members and other stakeholders have access to the same level of information. I am therefore providing this also to you today.

In/

In carrying out this more specific request, it has become clear to me within the package of information sent by my office to you on 4 May 2017, an extract of the internal member meet of 5 December 2016 which was marked on our system as final, differed marginally from the actual final version that members had circulated to them and agreed at their 2 February 2017 meet. This was an error in our filing. While the wording differences are of a minor nature, should the Committee wish to examine in detail the discussion of 5 December 2016 and the development of an agreed file note of that meeting then this package of information provided today sets out a full picture.

I hope you find this additional information useful.

Yours sincerely

JOHN FOLEY  
Chief Executive Officer

## DOCUMENTATION FOR RELEASE TO MOI ALI AND PAPLS COMMITTEE

**E-mail of 29 December 2016 from Colette Craig to members and relevant governance related extract of attached draft file note of 5 December 2016 meet**

**From:** Craig, Colette

**Sent:** 29 December 2016 15:31

**To:** Flanagan, Andrew; Ali, Moi ([Moi.Ali@spa.pnn.police.uk](mailto:Moi.Ali@spa.pnn.police.uk)); Hume, David; Graham, George; Houston, Graham; Wilkinson, Elaine; Marchant, Nicola; 'iain.whyte@edinburgh.gsx.gov.uk'; Tennant, Lisa; McGill, Robin

**Cc:** Foley, John ([john.foley@spa.pnn.police.uk](mailto:john.foley@spa.pnn.police.uk)); MacIntyre, Catherine ([Catherine.MacIntyre@spa.pnn.police.uk](mailto:Catherine.MacIntyre@spa.pnn.police.uk)); SPA Liaison

**Subject:** Members Meeting - 11th January 2017 [RESTRICTED]

Dear Members

Please find attached the draft agenda for the next Members Meeting on the 11th January 2017. Please advise if you have any comments on this or if you have any additional items that you would like to put forward for consideration.

Please also find attached the draft file note (yet to be reviewed by the Chair) from the Members Meeting that took place on th 5th December 2016, please also advise if you have any comments on that document.

Unfortunately due to the Christmas and New Year break, the final agenda and papers will not be issued before Thursday 5th January 2017.

Kind Regards

### **RECORD OF MEMBERS MEETING**

**Monday 05 December 2016, Pacific Quay, 13:15 – 15:45**

**Attendees:** Andrew Flanagan (Chair), John Foley, David Hume, Moi Ali, Iain Whyte, Nicola Marchant, Elaine Wilkinson, Graham Houston, Catherine MacIntyre and Colette Craig (Record Note).

#### **Review of Governance**

The Chair advised Member's that the Review of Governance was reaching the stage of needing to go to the Board for approval and noted that it could be reviewed and revised annually.

GHouston advised that he was content with document, however, there could have been a better reflection around the SPA's scrutiny performance role, and sought clarity on how that could be developed. The Chair advised that the performance framework would be key to supporting the SPA's scrutiny role,

however, that was not yet available. JFoley advised that it was still being developed therefore it was difficult to reflect it.

MAli referred to section 19 and the scheduling of meetings and advised the need to clarify that meetings would be scheduled by the Chair or approved by the Chair.

**Section 19 of the document to clarify that meetings would be scheduled of approved by the Chair.**

MAli asked to remove reference to "his" within paragraph 14 in order for it to be gender neutral. The Chair asked for the whole document to be neutralised.

**The complete SPA Governance Framework Document to be neutralised.**

MAli referred to section 25 and meeting in private and asked that it be cross referenced with section 26.

**Section 25 of the SPA Governance Framework Document to be cross referenced with section 26 of the same document.**

MAli referred to section 24 where is it referred to Chief Executive and Chair and asked for that to be amended to Chair and Chief Executive.

**Section 24 of the SPA Governance Framework Document to be amended to refer to the Chair and Chief Executive.**

GGeorge referred to proceedings in private and sought clarity around the merits of staying with that approach. The Chair advised that the Governance Review was consulted on, taking in a wide range of views, before going into conclusion which was approved by the Cabinet Secretary. The Chair advised that if Member's wanted to come back to the issue at a time where there was evidence that it was not working then that would be a legitimate action. The Chair advised that he believed, on balance, that it was the correct approach and advised that more business should be conducted at Board level and unless there was good reason not to, should be held in public. The Chair advised that he had asked JFoley to conduct a comparison between the SPA and other main agencies of government to understand their approach. The Chair advised the need to take perspective on the matter before taking any further decision. The Chair noted the importance of Members being able to discuss openly and constructively.

NMarchant noted that when resetting it was importance for others to understand the difference between closed and private meetings. The Chair advised that committees should have the freedom to invite for specific agenda items. DHume advised that the significant and invaluable principle is that the SPA take decisions in public.

GGraham noted the importance of engaging with Derek Penman. MAli advised that Derek Penman did have concerns that there was less transparency and added that she did believe more could be done to improve transparency. The Chair advised that there had been an increase of SPA Board Meetings. The Chair advised that he would be willing to publishing agenda's one week before a

meeting takes place to be more transparent. Members agreed that populating work plans would be an additional method of being transparent.

**SPA Board Meetings agenda's to be made available to the public one week prior to meetings taking place.**

EWilkinson advised that the previous Finance and Investment Committee, which was held in closed session, was extremely constructive, however, there was now an education required for Police Scotland on what they can bring to committees to allow them to use this to their best effect.

EWilkinson advised that she would like the covering paper of items coming to the board to include what had been discussed at committee level and advised that it would provide real transparency. MAlI advised that the committee journey should be included within the "Background" section of papers.

**Previous discussions at committee level advising the journey of the recommendation to the Board to be detailed within the "Background" section of the paper.**

IWhyte advised that, perhaps not within board papers, but a mechanism which would evidence that more items were going into the public agenda rather than the closed it would be helpful.

NMarchant sought clarity on whether there was a set of comms in place prior to the 15<sup>th</sup> December. CMacIntyre advised that she and JFoley were meeting with John McCroskie to discuss.

DHume advised that he had comments on the Audit Committee Terms of Reference, the Chair asked that comments were followed up with JFoley to allow him to achieve some consistency with all committees.

**David Hume to feed back his comments regarding the Audit Committee Terms of Reference to John Foley.**

The Chair advised the need for a review of the ToR's in order to give chairs an understanding of how they are working in practise.

GHouston sought clarity on whether it was appropriate that the accountable officer was also chair of the advisory board. CMacI advised that the SPA had looked at the advisory board that sat within Education Scotland and noted that the CEO chaired as it was advisory to him.

DHume referred to whistleblowing and asked for Members to have early sight of what JFoley was proposing in terms of an SPA Whistleblowing Policy.

**Members to have early sight of John Foley's proposal on the SPA's Whistleblowing Policy.**

JFoley advised that he had received some comments from Police Scotland on the Governance Framework, most of which were acceptable. The Chair asked

Members to forward any additional comments they may have on the governance framework to JFoley for consideration.

**Members to provide any additional comments they had on the Governance Framework to John Foley.**

Delegation & Financial Protocol

JFoley advised that Police Scotland had put forward a proposal in relation to delegated authorities to replace what was previously approved by the F&I Committee would now be approved by Police Scotland for the same limits. JFoley did not agree and advised that the authority set the limits with the view to authorising.

The Chair advised that it was unclear on who had the authority for what. The Chair advised that it would be helpful if the document was placed into 3 categories as noted below:

- John Foley's authority within the SPA.
- Material levels of expenditure coming through from Police Scotland.
- Set of Delegation of Authority within Police Scotland.

**John Foley to ensure that the Corporate Governance Framework is placed into 3 categories clearly advising the following:**

- **John Foley's authority within the SPA.**
- **Material levels of expenditure coming through from Police Scotland.**
- **Delegation of Authority within Police Scotland.**

The Chair noted the importance of not imposing a Delegation Framework onto Police Scotland, however, the SPA did have a responsibility to understand how those controls are exercised within Police Scotland, and therefore they should be asking the SPA for approval of their Internal Scheme of Delegation.

**Police Scotland to provide a Delegation Framework to the SPA for approval and/or sight.**

NMarchant noted the importance of being clear on the language around whether the CEO or a named Committee should be seeking assurance from Police Scotland on providing a healthy working environment. In addition, NMarchant noted the importance on understanding who Member's should be seeking assurance from on emergency planning and business continuity.

**John Foley to be explicit on the language around whether the CEO or a named Committee should be seeking assurance from Police Scotland on providing a healthy working environment. Also be clear on understanding who Member's should be seeking assurance from on emergency planning and business continuity.**

NMarchant referred to section 23, Ill Health Retirement and Injury on Duties and noted that all applications should be referred to the People Committee for advice

and sought clarity on what that meant. JFoley advised that the People Committee would be advised of those applications for information. The Chair instructed the word "referred" to be changed to "advised" within Section 23.

**John Foley to amend the word "advised" to "referred" within Section 23 of the Scheme of Delegation.**

MAli referred to section 17.1, point C and sought clarity on complaints received about staff at a CEO level and who those complaints would be delegated to. NMarchant advised that it was noted within page 9 of the SPA Governance Framework. MAli asked for that area to be cross referenced.

**John Foley to cross reference page 9 of the SPA Governance Framework with section 17.1 of Scheme of Delegation.**

The Chair asked Member's to provide any further drafting points to John Foley as soon as possible.

**Member's to provide John Foley with any additional drafting points on the SPA Governance Documentation as a matter of urgency.**

JFoley updated Members on how the documents had been received by Police Scotland and advised that he had spoken to COSLA and other staff associations. NMarchant sought clarity on whether Diversity Staff Associations had been updated and JFoley advised that he would follow up on that.

**John Foley to contact Diversity Staff Associations and inform them on recent changes to the SPA Governance Framework.**

DHume advised that following the Governance Review being finalised, Member's objectives would now not align with committee responsibilities and asked if that could be revisited.

**Member's objectives to be realigned with the new committee responsibilities.**

DHume advised that it would be helpful for all Member's to have sight of papers going through all committees. The Chair advised that all committee agenda's should be circulated to all Member's in advance of a Committee Meeting taking place in addition to Committee Minutes being circulated to Member's.

**All future Committee Agenda's to be circulated to Board Members prior to a committee taking place.**

**E mail from Moi Ali to Colette Craig of 30 December 2016 with comments on 5.9 of file note (copied to IW, GG, and DH)**

**From:** Ali, Moi  
**Sent:** 30 December 2016 12:38  
**To:** Craig, Colette  
**Cc:** Whyte, Iain; Graham, George; Hume, David  
**Subject:** RE: Members Meeting - 11th January 2017 [RESTRICTED]

Hi Colette,

Thank you for this. I am copying George and David in, as my comment involves them too. (You may also wish to check with Iain Whyte.)

The note currently reads as follows:

GGraham noted the importance of engaging with Derek Penman. MAli advised that Derek Penman did have concerns that there was less transparency and added that she did believe more could be done to improve transparency."

I recall that George stated that DP had actually spoken to him and expressed concerns. I then added that he had also spoken to me, David (and Iain Whyte??? Not sure if I included Iain, or if that came in later).

Therefore I think the note would be more accurate if it read as follows:

GGraham advised that Derek Penman did have concerns that there was less transparency. Moi Ali added that HMICS had raised similar concerns with her, and with David Hume. She stated that she remained unsupportive of this particular proposal. The Chair advised that there had been ..."

Do you still have the recording, Colette? It's just that I can't recall whether it was at the Members' meeting, or some days later at the pre-Board meeting that I stated that Audit Scotland had also raised concerns. Would you mind checking please, and adding that in if it was stated at that meeting? Thank you.

Moi

**E mail response from Colette Craig to Moi Ali of 5 January 2017 with long form note of 5.9 discussion (also copied to IW, GG, and DH)**

**From:** Craig, Colette  
**Sent:** 05 January 2017 16:41  
**To:** Ali, Moi  
**Cc:** Whyte, Iain; Graham, George; Hume, David  
**Subject:** RE: Members Meeting - 11th January 2017 [RESTRICTED]

Hi Moi

Happy New Year!

Apologies for the delay on getting back to you on this, it has been a little manic here in the office. I have eventually had time to listen back to the recording and below is verbatim on what was said during this discussion at the Members Meeting on the 5th Dec. During this discussion there was no reference to Audit Scotland, however, whilst producing the closed SPA Board Minute I note you did refer to their concerns during the Prevent Duties discussion.

*GGraham advised that he had always supported the view presented within the Governance Review originally around closed meetings, however, noted NMarchant concerns around what Unions and Staff Associations had become used to. GGraham advised that it might be useful to engage with Derek Penman to ensure that he has not been provided with an ill informed decision which could lead him to push forward a line that comes from an unsettled trade unions or federations.*

*MAlI noted that although she did not support this area of the Governance Review as an individual, she would support it as a Board Member, however, advised that it was the opinion of Derek Penman that the SPA should be moving to greater transparency and there are a number of factors that make it appear otherwise. MAlI advised that Derek Penman had not yet formed a view that it may become a subject of inspection, however, he did have concerns around less transparency. MAlI added that she had received a letter from one of her local authority scrutiny Chairs which noted that it was all very well that decisions would be taken at Board Meetings, but it is only on the day of a Board Meeting that where the venue is. MAlI advised that there were a package of issues that needed to be looked at in order to identify whether transparency could be enhanced.*

*The Chair agreed that comments of MAlI were valid, however, returned to comments made by DHume, The Chair reiterated that the number of Board Meetings being held in public had increased, more was being pushed into these meetings than the closed meetings and those enhancements were not being recognised, and as a result the SPA were being criticised for lacking in transparency. The Chair advised that although MAlI had always been clear on her approach, it was important to persevere. The Chair advised that he would be willing to publishing agenda's one week before a meeting takes place to be more transparent. The Chair reminded Members that previously, papers were provided*

*with critical comments 1 week prior to Members being able to sit down and discuss. The Chair advised that it was important to recognise that previous problems were due to the SPA being too transparent. MAli agreed with the proposal of publishing agendas a week in advance and advised that it would be helpful. CMacI advised that if the workplan could be agreed then agendas could be published more than a week in advance of meetings. Members agreed that populating work plans would be an additional method of being transparent.*

Let me know your thoughts.

Thanks

Colette

**Extract from Members meet file Note of 11 January 2017 meeting – Item 3 where AF explains he will not be proposing to seek members’ approval and will bring to next meet**

## **RECORD OF MEMBERS MEETING**

Monday 11 January 2017, Fettes Police Station, 13:15 – 16:55

Attendees: Andrew Flanagan (Chair), John Foley, Moi Ali, George Graham, David Hume, Graham Houston, Nicola Marchant, Robin McGill, Lisa Tennant, Iain Whyte, Elaine Wilkinson, Catherine MacIntyre and Colette Watson (Record Note).

### **Note and Actions from previous meeting – 05.12.16**

The Chair referred to the note of the previous meeting with actions. The Chair was not proposing to ask for approval of the note as he had one or two queries and proposed bringing it back to the next meeting. The Chair suggested that as a number of the actions were dealt with through the agenda either at Finance, strategy or the governance review implementation, he was not proposing to go through them in detail unless anyone has a particular issue.

**Note from previous meeting to be brought back to the next meeting once queries from the Chair have been resolved.**

**E mail from Colette Watson to board members of 1 February 2017 and attached revised file note of 5 December 2016 meeting.**

**From:** Watson, Colette

**Sent:** 01 February 2017 16:16

**To:** Flanagan, Andrew; Ali, Moi; Hume, David; Graham, George; Houston, Graham; McGill, Robin; Marchant, Nicola; Wilkinson, Elaine; Whyte, Iain

**Cc:** Foley, John; MacIntyre, Catherine; SPA Liaison

**Subject:** Members Meeting - 2 February [RESTRICTED]

Dear Member

Please find attached updated File Note (11 January) and Action Log. Also attached is the File Note from the Members Meeting held on 5 December 2016.

Kind regards.

Colette

**RECORD OF MEMBERS MEETING**

**Monday 05 December 2016, Pacific Quay, 13:15 – 15:45**

**Attendees:** Andrew Flanagan (Chair), John Foley, David Hume, Moi Ali, Iain Whyte, Nicola Marchant, Elaine Wilkinson, Graham Houston, Catherine MacIntyre and Colette Craig (Record Note).

**Review of Governance**

The Chair advised Member's that the Review of Governance was reaching the stage of needing to go to the Board for approval and noted that it could be reviewed and revised annually.

GHouston advised that he was content with document, however, there could have been a better reflection around the SPA's scrutiny performance role, and sought clarity on how that could be developed. The Chair advised that the performance framework would be key to supporting the SPA's scrutiny role, however, that was not yet available. JFoley advised that it was still being developed therefore it was difficult to reflect it. The Chair advised that its purpose could be reflected within the Proceedings of the Board section around how the SPA will handle performance

**The purpose of the Performance Framework to be reflected within Proceedings of the Board section.**

MAli referred to section 19 and the scheduling of meetings and advised the need to clarify that meetings would be scheduled by the Chair or approved by the Chair.

**Section 19 of the document to clarify that meetings would be scheduled of approved by the Chair.**

MAli asked to remove reference to "his" within paragraph 14 in order for it to be gender neutral. The Chair asked for the whole document to be gender neutral.

**The complete SPA Governance Framework Document to be gender neutral.**

MAli referred to section 25 and meeting in private and asked that it be cross referenced with section 26.

**Section 25 of the SPA Governance Framework Document to be cross referenced with section 26 of the same document.**

MAli referred to section 24 where is it referred to Chief Executive and Chair and asked for that to be amended to Chair and Chief Executive.

**Section 24 of the SPA Governance Framework Document to be amended to refer to the Chair and Chief Executive.**

GGraham referred to proceedings in private and sought clarity around the merits of staying with that approach. The Chair advised that the Governance Review was consulted on, taking in a wide range of views, before going into conclusion which was approved by the Cabinet Secretary. The Chair advised that if Members wanted to come back to the issue at a time when there was evidence that it was not working then that would be a legitimate action. The Chair believed that, on balance, it was the correct approach and advised that more business should be conducted at Board level and, unless there was good reason not to, should be held in public. The Chair said that he had asked JFoley to conduct a comparison between the SPA and other public bodies to understand their approach. The Chair advised of the need for perspective on the matter before taking any further decision and noted the importance of Members being able to discuss openly and constructively.

NMarchant noted that when resetting it was important for others to understand the difference between closed and private meetings. The Chair advised that committees should have the freedom to invite individuals for specific agenda items. DHume advised that the significant and invaluable principle is that the SPA take decisions in public.

GGraham advised that he had always supported the view presented within the Governance Review originally around closed meetings, however, noted NMarchant concerns around what Unions and Staff Associations had become used to. GGraham advised that it might be useful to engage with Derek Penman to ensure that he has not been provided with an ill informed position which could lead him to push forward a view that comes from an unsettled trade unions or federations.

MAli noted that although she did not support this area of the Governance Review as an individual, she would support it as a Board Member, However, she noted that Derek Penman's view was that the SPA should be moving to greater transparency and there are a number of factors that make it appear otherwise. MAli advised that Derek Penman had not yet formed a view that it may become a subject of inspection, however, he did have concerns around less transparency. MAli added that she had received a letter from one of her local authority scrutiny Chairs which noted that although decisions would only be taken at Board Meetings the venue for the Board Meeting is only published on the day of the meeting. MAli suggested there were a package of issues that should be looked at to identify whether transparency could be further enhanced.

The Chair agreed that comments of MAli were valid, however, returned to comments made by DHume. The Chair reminded Members that the number of Board Meetings being held in public was being increased, more business was being included in these public meetings rather than closed meetings. These enhancements were not being recognised in the debate and instead the SPA was being unfairly criticised for a reduction in transparency. The Chair advised that although MAli had always been clear on her approach, it was important to persevere. The Chair advised that he would be happy to publishing agenda's one week before a meeting takes place. The Chair also reminded Members that previously early publication of papers were provided before Members were able to sit down and discuss and this led to unbalanced reporting. MAli agreed with the proposal to publish agendas a week in advance as this would be helpful. CMacI advised that if the workplan could be agreed then agendas could be published more than a week in advance of meetings if desirable. Members agreed that populating work plans would be an additional method of aiding transparency.

**SPA Board Meetings agendas to be made available to the public one week prior to meetings taking place.**

EWilkinson advised that the previous Finance and Investment Committee, which was held in closed session, was extremely constructive, however, there was now an education required for Police Scotland on what they can bring to committees to allow them to use this to their best effect.

EWilkinson advised that she would like the covering paper of items coming to the Board to include what had been discussed at committee level and advised that it would provide real transparency. MAli advised that the committee journey should be included within the "Background" section of papers.

**Previous discussions at committee level advising the journey of the recommendation to the Board to be detailed within the "Background" section of the paper.**

IWhyte advised that, perhaps not within Board papers, but a mechanism which would evidence that more items were going into the public agenda rather than the closed it would be helpful. The Chair noted that Police Scotland seem to have difficulty providing papers suitable for public consumption.

NMarchant sought clarity on whether there was a set of comms in place prior to the 15<sup>th</sup> December. CMacIntyre advised that she and JFoley were meeting with John McCroskie to discuss this.

DHume advised that he had comments on the Audit Committee Terms of Reference. The Chair asked that comments were followed up with JFoley to ensure some consistency across all committees.

**David Hume to feed back his comments regarding the Audit Committee Terms of Reference to John Foley.**

The Chair said that there was a need for a review of the ToRs in order to give chairs an understanding of how they are working in practice.

GHouston sought clarity on whether it was appropriate that the accountable officer was also chair of the advisory board. CMacI advised that the SPA had looked at the advisory board that sat within Education Scotland and noted that the CEO chaired as it was advisory to him. However, other options could be considered.

DHume referred to whistleblowing and asked for Members to have early sight of what JFoley was proposing in terms of an SPA Whistleblowing Policy.

**Members to have early sight of John Foley's proposal on the SPA's Whistleblowing Policy.**

JFoley advised that he had received some comments from Police Scotland on the Governance Framework, most of which were acceptable. The Chair asked Members to forward any additional comments they may have on the governance framework to JFoley for consideration.

**Members to provide any additional comments they had on the Governance Framework to John Foley.**

Delegation & Financial Protocol

JFoley advised that Police Scotland had put forward a proposal in relation to delegated authorities to replace what was previously approved by the F&I Committee so that Police Scotland would now have authority to give approval for the same limits. JFoley did not agree to this proposal and advised that the Authority set the limits and the delegated authority.

The Chair advised that it was unclear on who had the authority for what. The Chair advised that it would be helpful if the Scheme of Delegation was placed into 3 categories as noted below:

- John Foley's authority within the SPA.
- Material levels of expenditure coming through from Police Scotland.
- Set of Delegation of Authority within Police Scotland.

**John Foley to ensure that the Corporate Governance Framework is placed into 3 categories clearly advising the following:**

- **John Foley's authority within the SPA.**
- **Material levels of expenditure coming through from Police Scotland.**
- **Delegation of Authority within Police Scotland.**

The Chair noted that it was important not to be imposing a Delegation Framework onto Police Scotland, however, the SPA did have a responsibility to understand how those controls are exercised within Police Scotland and, therefore, they should be asking the SPA for approval of their Internal Scheme of Delegation.

**Police Scotland to provide a Delegation Framework to the SPA for approval.**

NMarchant noted the importance of being clear on the language around whether the CEO or a named Committee should be seeking assurance from Police Scotland on providing a healthy working environment. In addition, NMarchant noted the importance on understanding who Members should be seeking assurance from on emergency planning and business continuity.

**John Foley to be explicit on the language around whether the CEO or a named Committee should be seeking assurance from Police Scotland on providing a healthy working environment. Also be clear on understanding who Members should be seeking assurance from on emergency planning and business continuity.**

NMarchant referred to section 23, Ill Health Retirement and Injury on Duties and noted that all applications should be referred to the People Committee for advice and sought clarity on what that meant. JFoley advised that the People Committee would be advised of those applications for information. The Chair requested that the word "referred" to be changed to "advised" within Section 23.

**John Foley to amend the word "advised" to "referred" within Section 23 of the Scheme of Delegation.**

MAli referred to section 17.1, point C and sought clarity on complaints received about staff at a CEO level and who those complaints would be delegated to. NMarchant advised that it was noted within page 9 of the SPA Governance Framework. MAli asked for that area to be cross referenced.

**John Foley to cross reference page 9 of the SPA Governance Framework with section 17.1 of Scheme of Delegation.**

The Chair asked Members to provide any further drafting points to John Foley as soon as possible.

**Members to provide John Foley with any additional drafting points on the SPA Governance Documentation as a matter of urgency.**

JFoley updated Members on how the documents had been received by Police Scotland and advised that he had spoken to COSLA and other staff associations.

NMarchant sought clarity on whether Diversity Staff Associations had been updated and JFoley advised that he would follow up on that.

**John Foley to contact Diversity Staff Associations and inform them on recent changes to the SPA Governance Framework.**

DHume advised that following the Governance Review being finalised, Members' objectives would now not align with committee responsibilities and asked if that could be revisited.

**Board Members to follow up with the Chair if objectives require to be realigned with the new committee responsibilities.**

DHume advised that it would be helpful for all Members to have sight of papers going through all committees. The Chair advised that all committee agendas should be circulated to all Members in advance of a Committee Meeting taking place in addition to Committee Minutes being circulated to Members.

**All future Committee Agendas to be circulated to Board Members prior to a committee taking place.**

**Extract from February 2017 members' meeting file note confirming attendance, and agreement of 5 December file note**

**RECORD OF MEMBERS MEETING**

**Tuesday 02 February 2017, Pacific Quay, 10:00 – 12:55**

**Attendees:** Andrew Flanagan (Chair), John Foley, Moi Ali, David Hume, Nicola Marchant, Robin McGill, Iain Whyte, Elaine Wilkinson, Catherine MacIntyre and Colette Watson (Record Note).

**Note and Actions from previous meetings – 05.12.16 and 11.01.17**

The Chair referred to the notes from the meetings held on 5 December and 11 January and no issues were raised by members. Both file notes accepted as correct record.

**Extract from minute of 15 December closed SPA Board meeting of relevant Moi Ali comments on governance/transparency comments within PREVENT agenda item**

## **Minute of Scottish Police Authority Board Meeting**

<b>Meeting</b>	Scottish Police Authority Board Meeting <b>CLOSED SESSION</b>	<b>Date &amp; Venue</b>	Thursday 15 December 2016, Assembly Room, Tulliallan Castle, Alloa
<b>Meeting Called By</b>	Andrew Flanagan, Chair	<b>Start Time</b>	10.30am
<b>Reference Meeting No</b>	SPACBM-151216	<b>End Time</b>	12.55pm

<b>Members Present</b>		<b>In Attendance</b>	
<b>Name</b>	<b>Title</b>	<b>Name</b>	<b>Title</b>
Andrew Flanagan	Chair	John Foley	Chief Executive, Scottish Police Authority, SPA
Elaine Wilkinson	Authority Member	Catherine MacIntyre	Strategic Business Adviser, SPA
George Graham	Authority Member	Phil Gormley	Chief Constable, Police Scotland
Graham Houston	Authority Member	Iain Livingstone	Deputy Chief Constable, Police Scotland
David Hume	Authority Member	Rose Fitzpatrick	Deputy Chief Constable, Police Scotland
Nicola Marchant	Authority Member	Johnny Gwynne	Deputy Chief Constable, Police Scotland
Robin McGill	Authority Member	David Page	Deputy Chief Officer, Police Scotland

Moi Ali	Authority Member	Gregg Banks	T/Superintendent , Police Scotland
		Malcolm Graham	Assistant Chief Constable, Police Scotland
		Gillian Woolman	Assistant Director, Audit Scotland

**Prevent Duties – Activity Update (DCC & T/Supt)**

MALi then referred to an Audit Scotland comment about papers being taken in private session that could be potentially have been discussed in public. Having reviewed the Prevent Duties – Activity Update, MALi believed that the paper could have been adapted for public session. MALi questioned whether, for greater transparency, the Board could consider publishing subsequently certain papers taken in closed session. MALi clarified that discussions should remain in private and only the paperwork supporting discussions should be considered for the public domain.

The Chair asked DCC to what extent Prevent Duties could be discussed in public session. DCC agreed that there were areas that would be of public interest, but it was something that would need further consideration with Police Scotland colleagues. The Chief Constable raised concerns that in its current format the report included a commentary on stakeholder’s progress and that this should not be for publication.

DHume thought that there seemed to be more information about Prevent strategies within the public domain in England. T/Supt advised that Police Scotland had always taken a low key safeguarding approach and that there was no indication that partners wished to change this. Local authorities in particular would view publication of Prevent strategies as a change from Police Scotland’s current approach to safeguarding and the preference was to ensure that Prevent is embedded within safeguarding.

The Chair said that there were two points emerging from the discussion. Firstly, there was a lot of good work being done by Police Scotland around Prevent and perhaps there was an opportunity to say more about that work in a controlled way, but that did not necessarily need to be through the Board. Secondly, there was a misconception about Closed Session meetings and whilst the Chair was keen to ensure that Members and attendees could speak openly in Closed Session, there was also a need to take account of Audit Scotland’s comment regarding disclosure. However, Board papers were only one aspect of a Board agenda item and not a full representation of the Board’s

deliberations. Consideration should, therefore, be given to the best means of communicating discussions and decisions from Closed Session meetings, perhaps in the form of a summary note, rather than issuing Board papers.

**DCC to give consideration to better publicising / communicating the work being delivered by Police Scotland on Prevent Duties.**

**John Foley to give consideration to the best means of communicating the Board's discussion and decisions from a Closed Session Board meeting (reference comment by Audit Scotland).**