

LETTER SENT VIA EMAIL ONLY

Ms Jenny Marra MSP
Convener
PAPLS Committee
Scottish Parliament
Edinburgh

5 February 2018

Our ref: SD/017/18/CW

Dear Ms Marra

Response from Scottish Police Authority to 25 January Evidence

I am writing in response to requests for further information from the Scottish Police Authority made by the Public Audit and Post-Legislative Scrutiny Committee members at their meeting on 25 January 2018. While the focus of the Committee's interest was in events that pre-date my taking on the role of Chair, I have reviewed the evidence given to the Committee and seek through this letter to provide additional information for the Committee's consideration.

I can confirm that, in line with evidence provided on 25 January 2018, the SPA Board met on 31 October 2017 to review the Chief Constable's leave arrangements. The meeting was attended by ten members of the Board. No final decision was made on the matter, and the then Chair took an action to have a discussion with the Chief Constable. The Board agreed that they would reconvene for a further meeting, informed by the outcome of that discussion, on 7 November.

I can confirm that that meeting subsequently took place on 7 November 2017. I have established that there was no specific agenda item listed in relation to this topic, and the discussion took place under Any Other Business. Eight members of the then Board were in attendance, with three members tendering apologies. The Board was quorate. No papers were presented to that meeting, and the only SPA officer in attendance was the then Chief Executive.

No SPA Executive support staff attended to minute either of these meetings. Draft minutes were therefore produced by officers with no first-hand knowledge of the discussions and were based on the then Chief Executive's notes of each meeting. Draft minutes of both meetings were circulated to SPA members however neither minute was approved before the then Chair and former Chief Executive left the organisation. Both minutes remain in draft. Given the passage of time since then, the significant level of public comment that has subsequently taken place about these meetings, and the absence of key contributors, I have concluded that it would not be appropriate for these draft minutes about items of private business to be finalised now with such an exceptional level of qualification around them. Committee members may be aware that

since becoming Chair I have stated my concerns about past SPA decision making processes. The circumstances surrounding the way these meetings were convened, conducted and recorded are a case in point. I have since taken steps to improve decision making processes within the SPA.

In response to one of the questions asked by the Committee, I attach a copy of the provisional handling process which the then SPA leadership proposed to deploy following the Chair's engagement with the Cabinet Secretary for Justice on 9 November 2017. This process document was requested from, and produced by, an SPA officer on 9 November 2017 itself. This is enclosed at Annex A.

In relation to your request for further details of Board member decision making on the redundancy proposal relating to the former Chief Executive and its costs, deficiencies in past SPA processes and recording are apparent also in its handling of this issue. While Board members did meet on 7 June 2017 as was stated to you in evidence, no SPA officers were in attendance and there is no formal written record or minute of that discussion. As such it is not possible for SPA now to provide confirmation of which members attended, approved or dissented. However, the Chair did seek approval, through correspondence with Board members on 13 July 2017, of the costs associated with the business case outlining the Chief Executive's exit on early retirement, including the payment in lieu of notice. SPA holds no record of any dissent being raised, and records written approvals from all bar two members. This is consistent with the evidence given to the Committee by current SPA members.

I hope this information is of assistance to the Committee.

Yours sincerely

Chair,
Scottish Police Authority

Annex A

Running order of Leadership Update Communications on afternoon of Thursday 9 November 2017

- Communication agreed with AF and NM – complete
- Communication shared with CC legal by John McCroskie – done
- Any comments from CC considered by JMcC and NM
- Chair briefs CSJ (pre Justice Sub Committee session)
- Chair briefs DCC Designate (2.15pm onwards post Justice Sub Committee)
- Chair confirms to NM and JMcC that DCC Designate informed
- John McCroskie circulates communication to SPA Board members
- Deputy Chair then briefs Jude Helliker (PS Director of HR)
- Chair gives approval for JMcC/SPA Comms to release communication
- John McCroskie shares comm with Chris Starrs (PS Comms) and SG Comms

Point of Announcement (between 2.15 and 3pm)

- SPA Comms upload communication on intranet, website, issue to media and tweet link to statement
- SPA Comms engage with PS Comms to ensure appropriate cascade through their channels

In parallel (or as close to)

- John McCroskie briefs Kenneth Hogg
 - Deputy Chair briefs Derek Penman (HMICS)
 - Deputy Chair briefs Kate Frame (PIRC)
 - Deputy Chair briefs Calum Steele (SPF)
 - Deputy Chief briefs Ivor Marshall (ASPS)
 - Deputy Chair briefs Andrew Barker (SCPOSA)
 - Deputy Chair briefs Gerry Crawley (UNISON)
 - Deputy Chair briefs Derek Balfour (UNITE)
- The SPA issues follow up e-mails to cover the following stakeholders linking to statement on SPA website:

STAKEHOLDER	WHAT	RESPONSIBILITY
Scottish Parliament	E-mail to Clerks to the Justice Committee/Justice Sub Committee/PAPLS.	Comms.
COSLA	E mail to CEO Sally Louden	Comm Acc. [REDACTED]
Local Authority Scrutiny Bodies	E-mail to conveners and CEOs contact list	Comm Acc. [REDACTED]
PIRC	E-mail to Comms team	Comms. [REDACTED]

ASPS	E-mail to Ivor Marshall and Craig Suttie	Comms. [REDACTED]
Scottish Police Federation	E-mail to Calum Steele and Andrea MacDonald	Comms. [REDACTED]
Unite	E-mail to Norman King & Derek Balfour	Comms. [REDACTED]
Unison	E-mail to Gerry Crawley and Michelle Brewster	Comms. [REDACTED]