



## **PIRC SENIOR MANAGEMENT TEAM TERMS OF REFERENCE**

### **PURPOSE**

The purpose of this document is to set out the terms of reference of the Police Investigations and Review Commissioner (PIRC) Senior Management Team (SMT).

The PIRC follows the guidance to public bodies in Scotland issued by Scottish Ministers and contained within the Scottish Public Finance Manual<sup>1</sup> and the Governance and Accountability Framework Document<sup>2</sup> agreed with the Scottish Government.

### **MEMBERSHIP**

Membership of the SMT comprises of the Commissioner, Director of Operations, Accountable Officer, Head of Corporate Services, Head of Investigations, Head of Legal Services, Head of Policy and Reviews, Finance Manager, Communications Manager and Executive Assistant (Secretariat).

Additional members may be appointed or attend at the discretion of the SMT.

### **ROLE**

The role of the SMT is to provide leadership, direction, support and guidance to ensure the PIRC is committed to delivering its functions effectively, efficiently and independently, whilst recognising the aims, policies and priorities of the Scottish Ministers.

SMT responsibilities include, but are not limited to:

- taking forward the strategic objectives agreed by the Scottish Ministers and set out in PIRC's Strategic Plan.
- advising the Commissioner on the discharge of their responsibilities - as set out in the Governance and Accountability Framework document, in the founding legislation and in any other relevant instructions and guidance issued by or on behalf of the Scottish Ministers.
- promoting the efficient, economic and effective use of staff and other resources consistent with the principles of Best Value, including, where appropriate, participation in shared services arrangements.
- determining the steps needed to deal with changes which are likely to impact on the strategic aims, objectives of the PIRC or on the attainability of its operational targets.

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<sup>1</sup> *Scottish Public Finance Manual - gov.scot (www.gov.scot)*

<sup>2</sup> *Police Investigations and Review Commissioner: governance and accountability framework - gov.scot (www.gov.scot)*



- (in reaching decisions) taking into account relevant guidance issued by the Scottish Ministers.
- acting consistently with principles of good governance, accountability and transparency while demonstrating high standards, including openness in its decision making at all times; determining the steps needed to deal with wider changes which are likely to impact on the strategic aims and objectives of the PIRC or its attainability of its operational targets.
- ensuring that an effective pay and conditions negotiating framework is in place which will allow a negotiated settlement within the parameters of the Scottish Government's Public Sector Pay policy.
- approving the annual accounts and ensuring Scottish Ministers are provided with an Annual Report and Accounts which are provided to the sponsor unit to allow laying in the Scottish Parliament by end of December each year.
- maintaining suitable management information systems for each area of the business, assessing on a continuous basis to ensure efficient and effective working practices and processes are in place and provide updates to the sponsor unit on request.
- ensuring that requests for appropriate information from the PIRC in relation to briefings for Scottish Ministers, Parliamentary Questions, ministerial and official correspondence, are forwarded timeously to the sponsor unit.
- ensuring that effective arrangements are in place to provide assurance on risk management (including in respect of personnel, physical and cyber risks/threats/hazards), governance and internal control.
- ensuring that the sponsor unit receives, and reviews regular financial information concerning the management and performance of the PIRC and is informed in a timely manner about any concerns regarding the activities of the PIRC.
- demonstrating high standards of corporate governance at all times, including openness and transparency in its decision making.

## **AUTHORITY**

The SMT is authorised to:

- have access to all available management information relevant to the conduct of its business.
- seek any information it requires from any employee of the PIRC in order to perform its duties



- in consultation with the Commissioner, Director of Operations and/or Accountable Officer, invite other members of staff to attend SMT meetings to deal with specific items as it sees fit.

## **SMT MEETINGS**

SMT Meetings will be held monthly or at such times as may be fixed by the Commissioner.

SMT meetings may be held in person, virtually or by a combination of both (hybrid working).

SMT meetings will be chaired by the Director of Operations, who will determine all questions of order, relevancy, and conduct of business during the meeting. In the absence of the Director of Operations, the Commissioner or Accountable Officer will assume that role for the duration of the meeting.

Additional meetings may be convened as necessary on the suggestion of any member of the SMT and with the approval of the Commissioner.

In the event of SMT members being unable to attend a meeting they may nominate a substitute to attend for part or all of the meeting, having agreed the substitution with the Commissioner and/or Director of Operations and/or Accountable Officer in advance.

In the event that the Director of Operations has a conflict of interest, the SMT will appoint another member to chair the relevant part of the meeting.

The SMT may discuss and agree actions outwith the meeting via correspondence or via ad hoc meetings. Any decisions and or actions will be noted and captured at the next SMT meeting.

## **QUORUM**

SMT meetings shall be quorate if four members of the SMT are present.

## **DECISIONS OF THE SMT**

Any decision of the SMT shall be taken on a majority basis, in the event of equality of voting, the Commissioner shall have a casting vote.

## **AGENDA, PAPERS AND MINUTES OF MEETINGS**

The Executive Assistant shall ensure that administrative support is made available for each SMT meeting.

The agenda for SMT meetings will be agreed by the Director of Operations in consultation with the Commissioner and/or Accountable Officer.

The agenda and related papers for SMT meetings will normally be issued via email (where secure) five working days prior to meeting. A template agenda is provided at Appendix 1.



For each meeting, members will normally be provided with.

- Current Performance Management Reports for each department
- Current Management Accounts
- Current Risk Register

Late items may be added to the agenda for SMT meetings subject to agreement by the Commissioner and/or Director of Operations and/or Accountable Officer prior to the commencement of the meeting at which the item is to be considered.

The Executive Assistant will prepare and keep a formal minute for each SMT meeting.

The minute shall include.

- attendees and apologies, a short summary of any discussions and capture and list decisions and actions.

Draft minutes will normally be prepared within five working days of each SMT meeting and, subject to the agreement of the Commissioner and/or Director of Operations and/or Accountable Officer, will be made available to the members.

Draft minutes will be presented to the following SMT meeting to be approved as the official record of the previous meeting.

A copy of the public portion of the SMT meeting minutes will be publicly available on the PIRC website.

Minutes of matters taken in private will not be published.

## **REPORTING ARRANGEMENTS**

The SMT Terms of Reference will be made publicly available on the PIRC website.

## **REVIEW OF ARRANGEMENTS**

The SMT shall review its Terms of Reference and frequency of meetings in April each year.

The above terms of reference were reviewed by PIRC Senior Management Team on 16 April 2024 and are effective from that date



**Appendix 1**

**PIRC Senior Management Team Meeting  
DATE at TIME, LOCATION**

**AGENDA**

**PART 1**

1. **Welcome**  
Apologies  
Matters proposed to be considered in private – see note
2. **Minutes and Action Log from previous meeting**  
Minutes of meeting held on DATE - for approval  
Action Log
3. **Commissioner**  
Update Report
4. **Communications**  
Update Report
5. **Policy Documents – Amendments and Updates – for approval**
6. **Finance**  
Management Accounts to end MONTH YEAR
7. **Training**
8. **AOCB**

**PART 2**

**The following items will be taken in private**

9. **Head of Corporate Services**  
Performance Reports to end MONTH YEAR
10. **Accountable Officer**  
Risk Report  
Audit Update
11. **Staff Survey – SMT Action Plan**
12. **Head of Reviews and Policy**  
Performance Reports to end MONTH YEAR
13. **Head of Investigations**  
Performance Reports to end MONTH YEAR
14. **Head of Legal Services – verbal update**
15. **Director of Operations – verbal update**
16. **Annual Report – items of note**
17. **AOCB**

**Date of next meeting – DATE and TIME**



## Note

Subject to agreement by The Police Investigations and Review Commissioner (PIRC) Senior Management Team (SMT) at agenda item 1 above, items of business will be considered private for the reasons noted below:

Circumstances in which meetings may be held in private include where:

- Information relating to identified or identifiable individuals (including members of staff) could be disclosed where there is a risk of a breach of data protection legislation.
- Public discussion of the information may prejudice any police operation or the prosecution of offenders.
- Disclosure of information could prejudice national security.
- Matters to be discussed are the subject of legal proceedings (including misconduct disciplinary proceedings) or where the information to be discussed consists of or includes legal advice provided to the PIRC or to a third party.
- An obligation of confidentiality exists in respect of the information to be discussed.
- Confidential commercial or financial information not already in the public domain could be disclosed.
- Proposals for significant organisational change, significant changes to the terms and conditions of staff or other sensitive matters are being considered.
- Discussion in public would be likely to inhibit the free and frank provision of advice or the free and frank exchange of views for the purpose of deliberation.
- Other, exceptional circumstances exist that would justify considering the matter in private. Such circumstances to be agreed by the SMT and included in the minute of the meeting.