

SCOTTISH POLICE
AUTHORITY
AUTHORITY MEETING
22 January 2021

Minute of the SPA Authority Meeting held on Friday, 22 January
2021 via Video-conference

Board Members Present: David Crichton (Interim Chair)
Martyn Evans
Tom Halpin
Robert Hayes
Grant Macrae
Michelle Miller
Mary Pitcaithly
Jane Ryder
Matt Smith
Caroline Stuart
Elaine Wilkinson

In attendance: Police Scotland
Chief Constable Iain Livingstone
Deputy Chief Constable Will Kerr
Deputy Chief Constable Malcolm Graham
Deputy Chief Constable Fiona Taylor
Deputy Chief Officer David Page
Assistant Chief Constable Pat Campbell (Item 8)
Assistant Chief Constable John Hawkins (Item 10)
James Gray, Chief Financial Officer
Jude Helliker, Director of People and Development (Item 7)
Chief Superintendent Roddy Newbigging (Item 11)

Scottish Police Authority (SPA)
Lynn Brown, Interim Chief Executive Officer
Barry Sillers, Director of Strategy, Performance and
Assurance
Robin Johnston, Head of Legal (Item 9)

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Independent Advisory Group on Police Use of Temporary Powers Related to the Coronavirus Crisis
John Scott QC (Item 6)

SPA Secretariat
Eleanor Gaw, Governance and External Relations Lead
Catherine MacIntyre, Board Services
Karen Vallance, Governance Support Officer

1. WELCOME AND STANDING ITEMS

The Interim Chair opened the meeting and welcomed all Authority Members and representatives from the Police Scotland senior leadership team. He confirmed Robert Hayes would chair the meeting if he were disconnected from the video-conference.

The Interim Chair congratulated Martyn Evans on his appointment as SPA Chair. The Interim Chair confirmed he would formally hand over responsibility on 31 January but will stay on as a Member for another two weeks to help with transition and attend the Public Audit and Post-Legislative Scrutiny Committee on 11 February.

The Authority **RESOLVED** to:

- **NOTE** no Member apologies;
- **NOTE** no declarations of interest;
- **NOTE** Members raised no other business;
- **AGREE** that, in accordance with paragraph 20 of the SPA Standing Orders, the Board would consider items 13 - 16 in private for the reasons set out on the agenda.

2. MINUTES AND ACTIONS FROM PREVIOUS MEETING

The Authority **RESOLVED** to:

- **ADOPT** the minute of the 25 November 2020;
- **NOTE** the action log and that there were no matters arising;
- **NOTE** the Authority has taken two decisions by correspondence since the last meeting:

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1. on 7 December 2020, endorsing the appointment of Pat Campbell as Temporary Assistant Chief Constable (Organised Crime, Counter Terrorism and Intelligence); and
2. on 15 January 2021, approving the appointment of Chris Brown as SPA Deputy Chief Executive Resources.

3. SPA INTERIM CHAIR'S REPORT

The Interim Chair provided an overview of his report, drawing particular attention to: the Strategic Workforce Plan, the work of the Independent Advisory Group, the first formal consideration at Board level of the Authority's response to Dame Elish Angiolini's report; the Local Policing programme and the Contact Assessment Model (CAM).

The Interim Chair informed attendees that since the last meeting, the Annual Report and Accounts for 2019-20 have been laid in Parliament. The SPA is one of the few public bodies which has completed its accounts on schedule this year, which is a credit to the finance teams in the Authority and Police Scotland. The Interim Chair confirmed a further Section 22 report from the Auditor General had been received. The report recognises improvements in financial planning and management, the greater stability in leadership and progress in governance. It also recognises that the current model of policing is not financially sustainable and responsibility for remedying that is shared across the SPA, Police Scotland and Government.

The Interim Chair informed Members that, together with the Chief Constable, he had met the Cabinet Secretaries for Justice and for Finance.

The Board **RESOLVED** to:

- **NOTE** the update

4. CHIEF CONSTABLE'S REPORT

Chief Constable Livingstone (CCLivingstone) provided a detailed summary of the paper. In addition to the information provided in the paper, he highlighted the following additional points:

- CCLivingstone congratulated Martyn Evans on his appointment as SPA Chair.
- CCLivingstone confirmed arrests had been made in relation to the disappearance of Anthony Parsons.

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- CCLivingstone thanked officers and staff for their continued commitment to public service over the festive period.
- CCLivingstone highlighted planning and strategic engagement continues in advance of the COP26 Conference in November 2021 and thanked Tom Halpin and Members of the Policing of COP26 Oversight Group for their support and scrutiny of planning work undertaken so far.
- Although Covid-19 restrictions have changed often, CCLivingstone confirmed that the approach of Police Scotland would remain consistent and proportionate and he thanked officers and staff for their continued efforts. CCLivingstone acknowledged there was legitimate concern in policing among officers and staff on access to the vaccinations programme. While there is no sector-based plan around vaccinations, CCLivingstone gave assurance he is in continued discussions with Scottish Government and has personally raised the matter with senior ministers.
- Due to acute operational requirements, the Chief Constable outlined that it remains his professional judgement that it is not prudent to reduce officer numbers in the short to medium term. He advised this view is consistent with public and cross-party political expectations.
- CCLivingstone provided an overview of the current and planned use of mobile devices and invited Members to support the roll out of body worn video as quickly as funding allows. He confirmed close working between Police Scotland and SPA was required to ensure public understanding and engagement, and acknowledged that roll out will take some time. As outlined at the November Authority meeting, it is essential appropriate funding is made available for this, and broad roll out would bring wider positive impacts for the justice sector. However, there is a pressing, critical, ethical and operational need for a targeted roll-out to armed officers prior to COP26 which will be progressed. Experience and evidence from an initial early provision would provide learning for the broader rollout.
- CCLivingstone congratulated Detective Chief Superintendent Sam McCluskey and Chief Inspector Lindsay Tulloch on their Queens Police Medal award for services to policing.

In discussion the following matters were raised:

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- On behalf of the Authority, the Interim Chair congratulated Police Scotland on receiving the Campbell Christie award for public sector reform for the Contact Assessment Model.
- The Interim Chair referred to the recent Justice Sub Committee where both SPA and Police Scotland provided evidence on body worn video. He noted it is an important and necessary addition to equipment which has the support of the Authority. The Authority recognises that there are consultations, financial and ethical tests which are required to be carried out which provide an opportunity to demonstrate a model of good consultation. The Interim Chair urged officers in SPA and Police Scotland to work together to test appropriate issues.
- Members sought further information on engagement with wider civic society in relation to COP26 and were informed that CCLivingstone, ACC Higgins and the City of Glasgow Council Leadership are represented at the COP26 Operational Delivery Board, where a significant part of discussion is on wider civic involvement. Members were informed that the Council have taken the lead in sourcing volunteers, replicating the successful approach taken during the planning for the Commonwealth Games. Members also heard that the COP26 Independent Advisory Group would engage with a broad range of voices within civic society as well as protest groups to provide an additional level of assurance.
- Members referenced the academic evaluation of mobile working and commended the Senior Management Team on the benefits of additional capacity identified through all of the transformation programme to date.
- With regard to body worn video, Members highlighted the need to be mindful of budget prioritisation. Assurance was sought that the justice system could effectively deal with the addition of body worn video. CCLivingstone acknowledged it is not just a police issue and there is a requirement for other justice sector agencies to have the capacity to deal with the outcomes. CCLivingstone advised that the additional capacity created through the transformation programme is being allocated against new and emerging demand. CCLivingstone confirmed he has established a new governance group on demand, design and resource to identify capacity and provide rationale for allocation.

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- CCLivingstone advised that not all officers who carry Tasers are classed as armed officers, and only those armed police officers will be prioritised for the initial roll out of body worn cameras.
- With regard to Covid-19, Members sought information on the impact on staff morale and consistency of approach to regulations. CCLivingstone confirmed internal messaging is consistent in highlighting that staff are valued and protected. CCLivingstone indicated that he has attended briefings with the First Minister, as only the police service can speak to policing, which provides the appropriate operational independence. CCLivingstone advised that Police Scotland have had over 100,000 separate interactions with the public and while the service has recorded more fixed penalties than some forces in England, only 7% of interactions have resulted in enforcement, which is relatively low.
- Members were informed of learning identified following the recent cyber-attack against SEPA. DCC Malcolm Graham (DCCGraham) noted the attack is a clear signal of the growing and changing nature of cyber threat. There has been a fast and extensive growth globally of the capacity and means by which criminals attack large and protected organisations. This signifies to organisations, particularly in the public sector, that there is still work to be done. Regarding data loss experienced recently in England and Wales, CCLivingstone confirmed he was satisfied there was minimal, if any impact to Police Scotland as the data loss was specific to a Home Office system.
- The Interim Chair referred to a previous comment from CCLivingstone on Police Scotland seeking independent advice to review the approach to equality and diversity issues raised following the Dame Elish Angiolini review and sought an update on progress made. DCC Fiona Taylor (DCCTaylor) highlighted the importance of taking the time to fully understand how the organisation can bring lasting positive change, and how it can align work which is already progressing to support officers and staff from diverse backgrounds. DCCTaylor confirmed Police Scotland will take a collective approach to next steps and will invite key internal and external stakeholders to enhance oversight.

The Authority **RESOLVED** to:

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- **NOTE** the update.
- **AGREE** the following actions:

A progress update on the work to review the approach to equality and diversity issues raised following the Dame Elish Angiolini review, to be provided to future Authority meetings.

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5. SPA INTERIM CHIEF EXECUTIVE'S REPORT

Members considered the report which detailed activities carried out by the Interim Chief Executive and the Executive Team since the previous Authority Meeting. Lynn Brown (LBrown) highlighted a number of key points as detailed in the paper.

The Authority **RESOLVED** to:

- **NOTE** the report

6. INDEPENDENT ADVISORY GROUP ON POLICE USE OF TEMPORARY POWERS RELATED TO THE CORONAVIRUS CRISIS

Members considered the report which provided an update on the work carried out by the Independent Advisory Group. John Scott QC (JScott) highlighted a number of key points as detailed within the paper, emphasising that overall Scotland has maintained a consistent approach to communication and enforcements, and that greater support is more important for public safety than greater enforcement or higher levels of fine. Covid related activity remains a small proportion of policing activity. He confirmed that the frequency of IAG meetings has not decreased.

In discussion the following matters were raised:

- DCC Will Kerr (DCCkerr) agreed there was a dip in confidence over the Christmas period, due to the move from Tier 2 to 4 in the North of the country. There was also notable frustration at the changing Christmas rules and general fatigue. Members were advised however that user satisfaction levels remained high
- Members were informed that a synthesis of all different sources of evidence continues to confirm that use of powers by Police Scotland

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in general remains compliant, both in application and spirit, human rights principles and legal obligations.

- Members welcomed the partnership working between Police Scotland and civic society organisations.
- With regards to policing demonstrations, JScott informed Members that inconsistencies in approach is a response to a number of legitimate factors such as intelligence and those demonstrations where people are well prepared for social distancing.
- Members were assured by Police Scotland that PPE procurement and supply chain management were in a strong place and the health, safety and wellbeing of staff remains paramount. Guidance is appropriate and equipment is available to those who need it, when they need. Staff are also following guidance put in place to minimise outbreaks within the workplace.
- The Interim Chair confirmed the SPA will shortly commence the 4th wave of polling.
- The Interim Chair suggested future consideration should be given to understanding the link between advice and scrutiny from the group, and how that has been used by Police Scotland for future learning.

The Authority **RESOLVED** to:

- **NOTE** the report.

7. STRATEGIC WORKFORCE PLAN

Members considered the paper which provided an update on the development of the Police Scotland Strategic Workforce Plan.

CCLivingstone informed Members it was the latest of a number of core strategies and statements of intent produced by Police Scotland. He acknowledged it was not a traditional area of work within policing therefore had been a challenge and the organisation had to develop quickly. CCLivingstone highlighted it is the only workforce plan that exists within the justice sector, therefore was an important milestone and achievement.

DDCTaylor added that the plan was a first iteration which would continue to grow and was a strong foundation to build upon. DCCTaylor highlighted the plan provides the organisation with a planning tool, which gives details on demographics and draws on demand data. The national work streams identified will help provide the highest level of service while

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ensuring financial value. DCCTaylor confirmed Police Scotland will continue to engage with staff, officers and staff associations as the plan develops.

Jude Helliker (JHelliker) further added the development had followed recommended methodology from auditors and provided an evidence based approach. JHelliker confirmed the national work streams will be managed through the change function and monitored on a quarterly basis.

CCLivingstone, DCCTaylor and JHelliker paid tribute to the project team for delivering the plan against a challenging timeframe.

In discussion the following matters were raised:

- Members were assured that although an iterative document, it was a management tool ready for use and work would progress against the eight national work streams identified. Demand methodology will continue to evolve and Police Scotland will enhance how demand data is used.
- Members noted the difficulty in measuring and predicting policing demand, therefore highlighted the importance of understanding realistic expectations on what demand analysis can be done. CCLivingstone acknowledged it was a discipline which previously had not been given sufficient attention but the organisation now had a better capability to understand data.
- Elaine Wilkinson (EWilkinson) reflected on discussions at the Resources Committee, noting that since the pandemic the SPA had taken a more pragmatic view on timelines. EWilkinson noted the plan is owned by and for the use of Police Scotland, and Authority interest and expectations are based on the Audit Scotland guidance which provides the assurance the Authority requires. Audit Scotland guidance provided a number of key questions and those are where the Authority identifies gaps. EWilkinson noted she welcomed the iterative process and governance structures to support it, but noted that the Resources Committee has set out a number of expectations which have not yet been met in the current iteration. These include the overall strategic vision of the future workforce; how demand will be met through the changes of the skill set; the impact of the planned transformation portfolio; and the alignment between scenarios in the work force plan and scenario planning in the financial setting. CCLivingstone confirmed that all comments raised

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by Audit Scotland have been responded to, and that the organisation has an understanding of demand, based on data, which few other forces do. CCLivingstone confirmed the organisation will continue to develop the plan and recognised the comments and observations that have come from the Resources Committee. CCLivingstone highlighted continued work would be undertaken against a structural deficit which others, including Audit Scotland, have recognised.

- Members were informed that Police Scotland would not be introducing force management statements which have been developed in England in Wales.
- Members were advised that there was no optimum ratio of police staff to police officers.
- Members noted a future challenge for the plan would be to recognise the skills needed for the emerging work on cybercrime.
- Members were assured that staff associations had been involved in many discussions and working groups that had taken place but the final version was not shared as early as it perhaps could have been. Discussions will continue with staff association as the plan evolves.
- The Interim Chair acknowledged it was a challenging strategic endeavour and had arrived on the timescales Police Scotland committed to.

The Authority **RESOLVED** to:

- **NOTE** the report

8. POLICING RESPONSE TO EU EXIT

Members considered the paper which provided an update on contingency planning undertaken across Police Scotland in preparation for the United Kingdom's departure from the European Union on the 31st December 2020. DCCKerr highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were advised that the loss of SIS II was significant, however the contingency measure is to utilise the Interpol systems.
- Members were advised of the introduction of a new European warrant framework through the Interpol system, and were provided

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live examples detailing their current use of European arrest warrants.

- Members were informed that following the loss of European investigation orders, a framework on mutual legal assistance had been put in place. This is a streamlined process which allows the benefits of engagement with EU states. It was confirmed there is evidence it is working smoothly.
- Members were assured that access and links to Europol and Eurojust had been maintained, as well as Passenger Name Records and PRUM.
- Members were advised that an area which is still under progress is around extradition, specifically for EU member states to extradite their own nationals. Members were advised a contingency plan was being progressed.
- CCLivingstone advised that, due to Covid-19, lower numbers of people were moving through ports so the Brexit impact is not fully known.
- The Interim Chair acknowledged the different challenge going forward and agreed that reporting to every Authority meeting should cease, with any exceptions being highlighted by CCLivingstone.

The Authority **RESOLVED** to:

- **NOTE** the report

**9. INDEPENDENT REVIEW OF COMPLAINTS HANDLING,
INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATIONS TO
POLICING: SPA RESPONSE TO THE FINAL REPORT**

Members considered the paper which highlighted those recommendations in the final report of the Independent Review of Complaints Handling which are directly applicable to the SPA and to explain the means by which these are to be implemented. Robin Johnston highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Matt Smith, Chair of Complaints and Conduct Committee, emphasised there has been a willingness from the Committee and the Authority to progress and recognise the need to make changes. Progress has already been made on the preliminary report and the

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Committee look forward to seeing what work can be taken forward from the final report.

- CCLivingstone confirmed a number of recommendations from the preliminary report have been implemented. Some recommendations from the final report have already been progressed while others will take longer as they require statutory changes and work continues to address this. CCLivingstone acknowledged the organisation will continue to apply learning from the recommendations.

The Authority **RESOLVED** to:

- **NOTE** the report

10. LOCAL POLICING PROGRAMME

Members considered the report which provided an overview of the proposed themes and activities to be included in the Local Policing Programme for 2021/22. DCC Kerr highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were assured feedback was received from Local Authority representatives through Scrutiny Conveners Meetings and bi-monthly meetings with COSLA and SOLACE.
- Members were informed there were youth volunteers in every Authority area although they were not as active as in previous years due to Covid-19 regulations. Youth Volunteers had worked on preventative activity, such as campaigns on home security, which can be extended into other issues online such as cyber and online security. Members were advised the organisation was actively looking to extend the number of Special Constables and the range of work they can undertake.
- Members were assured that learning from trauma informed practices was shared and embedded through the organisation. Continuous learning would be embedded through themes 4 and 7.
- Martyn Evans (MEvans) advised Members that the Policing Performance Committee co-chaired a session on engagement with SOLACE and Senior Officers, and views raised were that local engagement was working well but a single approach was not desirable. Work continues to increase visibility of SPA engagement which the Policing Performance Committee will continue to monitor.

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- CCLivingstone highlighted the Local Policing Programme reiterates the commitment to bring the benefits of a national service capability but with a locally tailored service. He thanked DCKerr and his team for the work undertaken.

The Authority **RESOLVED** to:

- **NOTE** the update.

11. CONTACT ASSESSMENT MODEL (CAM) REPORT

Members considered the report which provided an update following the completion of the delivery of the Contact Assessment Model into Police Scotland and the formal closure of the project in December 2020. ACC John Hawkins (ACCHawkins) highlighted a number of key points as detailed within the paper.

MEvans acknowledged the huge transformation undertaken whilst still dealing with a large number of calls. The CAM Oversight Group recognised the delivery had been successful due to clear programme management, phased implementation and constant assurance on progress. MEvans stated that without a well-functioning C3 and CAM, the response to Covid-19 would have been less effective. He highlighted a report from HMICS was expected which would provide additional assurance, and highlighted the high satisfaction levels recorded from regular reviews.

In discussion the following matters were raised:

- ACCHawkins acknowledged the work of the CAM Oversight Group, noting Police Scotland welcomed the support and challenge.
- Members were briefed on the various strands of internal and external activity to engage and deliver the new model.
- Members were informed that a video calling facility had been introduced as well as online reporting for lower level Covid-19 matters which had been used well.
- Members commended the work of ACCHawkins, Chief Superintendent Roddy Newbigging and their team for the work undertaken, and in accelerating the roll out.

The Authority **RESOLVED** to:

- **NOTE** the update.

12. COMMITTEE AND OVERSIGHT GROUP REPORTS

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Members considered the paper which provided an update on business progressed since the last Authority meeting through the:

- Complaints and Conduct Committee
- Legal Committee
- Resources Committee
- Policing of COP26 Oversight Group

The Authority **RESOLVED** to:

- **NOTE** the report.

APPROVED