

Meeting	Authority Meeting
Date	24 February 2021
Location	Video Conference
Title of Paper	Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis
Presented By	John Scott, QC
Recommendation to Members	For discussion
Appendix Attached	Yes, Appendices 1 and 2

PURPOSE

To provide the Scottish Police Authority with a summary of the work of the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis (IAG), since the sixth interim IAG report to the Authority dated 22 January 2021.

To the Board of the Scottish Police Authority

For the Meeting of 24 February 2021

Seventh Report of the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis

Chair's Introduction

This report is to update the Board of the Scottish Police Authority ("SPA") with a summary of our work since our sixth report dated 20 January 2021.

In the period of approximately four weeks since that report, the restrictions in force at that time have remained in place although the Western Isles have also been placed into Level 4 restrictions. The main restrictions introduced recently related to quarantine. These are addressed in the body of this report.

This week, the UK and Scottish Governments plan to publish details of their new roadmaps out of lockdown. Given the extent and apparent success of vaccination of priority groups, it is likely that some easing of restrictions will be announced, albeit perhaps with delayed phasing of successive stages of easing. We have seen transitions out of lockdown before and our work suggests that they can be times of confusion, especially if there are geographical variations, whether nationally, regionally or locally. Clear communications remain critical.

As ever, attention will be needed to UK and Scottish plans and associated messaging to avoid some earlier confusion. To the extent that it is necessary, in relation to communications if nothing else, it is to be hoped that there has been greater co-ordination than was achieved over the recent quarantine restrictions.

The main content of this report is the second data report by Professor McVie. This report completes the work on data from the early stages of lockdown contained in Professor McVie's first data report dated 19 August 2020. It contains detailed analysis of the profile of those individuals who received a police Fixed Penalty Notice (FPN) under the Coronavirus Regulations in Scotland during the first lockdown wave (from 27 March to 31 May 2020). The report presents further analysis of the same data, but focuses on the socio-demographic and geographical profile of those individuals who were issued with an FPN, conducts a detailed comparison with the Scottish population and examines

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differences in the characteristics of those who received a single FPN compared to those who received two or more tickets.

Although the current lockdown has been different than the first – the eerily abandoned streets of last Spring are busier, albeit mostly for good reason in the eyes of the law - the early stages of lockdown in 2020 remain important because of the similarities and therefore the opportunities for learning and improvement from that time. That is true also of the approach by Police Scotland over time which has seen the benefit of opportunities to digest, reflect and discuss evidence of policy and practice over the last eleven months.

While news about vaccines has been extremely welcome and mostly positive, we are still learning about the virus and its variants as well as starting to learn about the extent and duration of efficacy of the vaccines. Talk of “cautious but irreversible” easing may involve further hostages to fortune.

Contrary the oft-repeated UK Government line that it is too early to explore what has/has not been done, I suggest that our work is just one example showing that it is possible to act, reflect, learn and adapt during a crisis. Delay in such reflection risks repetition of avoidable mistakes.

Public Events – IAG and SPA Board

As Board members know, we have held two public events involving the IAG and Board members. These took place on 30 July and 5 October (recordings are still available on the SPA website at <https://www.spa.police.uk/strategy-performance/independent-advisory-group-coronavirus-powers/public-webinar/>)

Both events were chaired by Dr Liz Aston, Director of the Scottish Institute for Policing Research.

Given the important role of the IAG in public assurance, we are exploring with the Board and secretariat the possibility of a similar event in the near future to allow for more detailed discussion of Professor McVie’s findings on data.

Inequality

Inequality has been a key theme of our work. While recent police activity seems increasingly to involve unacceptable conduct by members of the

public that appears wilful and aggressive, that does not capture the spectrum of causes of coronavirus offending. Some individuals are feckless or careless, and some transgress through genuine confusion, albeit the persistently large number of unlawful house gatherings may be hard to excuse in that way. Some, especially when it comes to self-isolation, may simply be unable to adhere to requirements due to financial or other need which continues in many cases to go unmet and unsupported.

Professor McVie's latest data report contains additional detail which assists in illustrating aspects of inequality:

- People living in the 10% most deprived Scottish neighbourhoods were 11.2 times more likely to receive an FPN than those living in the 10% least deprived Scottish neighbourhoods.
- Amongst those living in Scotland's most deprived areas, women, older people and those with a prior criminal history had a higher than average likelihood of receiving an FPN.
- It was not possible to explain these patterns, although they reflect an additional degree of inequality in the way the pandemic has been experienced amongst certain groups of people who live in communities that are already typified by poorer health, economic, educational and environmental outcomes.

As Professor McVie says, the prevalence of prior criminal history in those who received FPNs ...*suggests a need to better understand the characteristics, behaviours and experiences of people with a criminal record in Scotland, in order to explore barriers to compliance and identify better ways of ensuring compliance with future public health restrictions.*

Removing barriers to adherence/compliance, especially by providing additional support to those living in deprivation, must be a lesson for all governments from the pandemic.

Consistent with this theme, on 21 January, the Scottish Government published "*If not now, when?*", a report by the Social Renewal Advisory Board. The Social Renewal Advisory Board was set up by Scottish Ministers to "*make proposals that can renew Scotland once we start to emerge from the pandemic*". The final report "*sets a course towards this future*", including recommendations emphasising the importance of

economic, social and cultural rights in effecting necessary societal change.

In the Foreword, the report offers the following claim and ambition:

We are all calling for a fair and equal society, underpinned by a strong commitment to human rights and economic justice. This is a Scotland already on its way to becoming a reality. We just need to get there faster, using existing levers and creating new enablers.

As highlighted by many, and mentioned in our earlier reports, the report states:

But alongside that civic response, this pandemic has brutally exposed the inequalities that still blight the lives of too many, limiting our ability to flourish, control our own lives and contribute our talents to create an inclusive, fairer Scotland. Disabled people, minority ethnic communities, people on low incomes, older people, younger people, and women are amongst those who have experienced disproportionate impacts, with multiple disadvantage making things even harder for many. So, while Covid-19 is still very much with us and evolving in a deeply concerning way at the time of writing, we should not wait for the pandemic to be over to learn lessons and begin to plan a way forward towards social renewal.

*This report by the Social Renewal Advisory Board is, therefore, a **Call to Action**. A call to not hold back the social action which made the difference to so many lives but instead to unleash it so it can grow. A call to turn the tide on poor outcomes created – often unwittingly – by barriers in the systems that shape how our society works. A call to realise in full the change we now know is possible.*

...

We are publishing this report 10 years on from the Christie Commission, a powerful, inclusive vision that has acted as a "North Star" for civic Scotland over those years: its central tenets of empowering, of shared systems that focus on prevention, and of equitable partnerships still hold true but they are yet to be delivered in full. It is more important than ever that we revisit Christie's principles and hold to them as we look to renew. It is nearly a year since the first cases of Covid-19 were reported in the UK and since then the economic positions of countries, communities and individuals have been put under enormous strain. The UK's exit from the European Union threatens to make rebuilding more of an uphill

struggle, further supercharging inequalities, excluding and marginalising some of our people and communities. Renewal needs to start now, recognising that some people and communities will need extra help and support, with a refreshed ambition for social and economic change with accountability, not only an ambition to make balance sheets look better for some.

The Board's aspiration is not to produce a blueprint for a top down 'to do' list. The spheres of government have their vital role, as do national performance targets, legislation, regulation, guidance and delivery vehicles. But social renewal will not be real unless communities of people, of identity and of place have more say, power and influence; unless we "super-charge" how we address the structural inequalities that still hold us back as a country. We can change some things quickly, but other actions will need several steps, with clear milestones, to get there – so let's start the journey now.

Lessons around inequality and deprivation require no additional narrative. Rather they require the sort of action called for in the Social Renewal Advisory Board's report.

Lastly, our sixth report was prepared just before Martyn Evans was announced as the new Chair of the SPA Board. I have commented previously on the significant contribution Martyn made to the work of the IAG as an invaluable member, as well as a member of Police Scotland's OpTICAL data group. While we will miss him as a member of the IAG, we wish to congratulate him on his appointment. We look forward to continuing to work with him in his new role.

Appendix

Our report is accompanied by the following document as an appendix:

- A. Second Data Report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland (during the period 27 March to 31 May 2020), Professor Susan McVie, 22 February 2021
- B. Updated workplan.

Liaison with the SPA continues on a weekly basis, largely through our always impressive secretariat - Eleanor Gaw, Fiona Miller and Jennifer Blackwood. Their work is a major part of what allows us to do our work.

John Scott QC Solicitor Advocate

21 February 2021

Online reporting for Covid-19 breaches

In December 2020, Police Scotland established a facility to allow online reporting - <https://www.scotland.police.uk/secureforms/covid19/>

From 18 December to 14 February, the system recorded 13,193 reports with 1,426 in the week to 14 February (a reduction on the previous week's figure of 1,709).

Compliance, Enforcement and Data: Exercise of the Powers – including the issuing of Fixed Penalty Notices

We emphasise once more that enforcement represents only a small percentage and amount of overall police activity, even in relation specifically to the pandemic. Overall, public adherence remains high.

The UCL Covid-19 Social Study¹ continues to provide a useful indication of UK-wide public attitudes and reported adherence or non-adherence, based as it is on responses from a panel study of over 70,000 respondents.

The latest report², dated 11 February 2021, included the following conclusions:

- Compliance continues to be at its highest levels since May of 2020. Majority compliance is being reported by 96% of people, while complete compliance (no bending of the rules) by 3 in 5 people. However, compliance has stopped improving for now, maintaining a steady rate for the past few weeks.

¹ <https://www.covidsocialstudy.org/>

² https://b6bdcb03-332c-4ff9-8b9d-28f9c957493a.filesusr.com/ugd/3d9db5_4ddc07e7ddaa463f87224e71840d4fac.pdf

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For Scotland, there is also the ongoing polling of public attitudes reported by the Scottish Government³ which is broadly consistent with the UCL study.

Police Scotland continue to publish enforcement data⁴ on a weekly basis which is drawn from the CVI system⁵. Important information is therefore publicly available, demonstrating continuing awareness of the need for transparency.

For ease of reference, the relevant table for the week to 17 February is included here:

Division	Dispersed when informed	Dispersed but only when instructed	Dispersed using reasonable force	Issued an FPN	Arrested	Issued FPN under Travel Regulations
A	2878	1121	57	289	32	10
D	2938	703	22	315	19	15
N	4487	1173	10	304	35	44
C	5892	1550	132	535	73	38
E	7689	2164	92	1023	42	24
J	3189	803	41	355	26	63
P	5033	821	67	483	94	15
G	21784	6925	173	3389	144	92
L	7047	1568	38	761	34	81
K	4305	1544	29	954	49	50
Q	4486	1439	58	1364	90	65
U	4667	1722	59	532	38	26
V	1610	528	18	150	43	33
Total	76005	22061	796	10454	719	556
Total number of FPNs issued over the last 7 days - 688						
Total number of Arrests over the last 7 days – 24						
*Please note - the FPNs issued under Travel regulations are also included within the total 'Issued an FPN' and should not be considered as 'in addition to' these.						

³ <https://www.gov.scot/publications/public-attitudes-coronavirus-january-update/>

⁴ <https://www.scotland.police.uk/about-us/covid-19-police-scotland-response/enforcement-and-response-data/>

⁵ In response to the introduction of The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and Coronavirus Act 2020, Police Scotland developed a 'Coronavirus Interventions' (CVI) recording system. This system allowed Police Scotland to begin gathering data in relation to the public co-operation levels with the new legislation. This system relies on Police Officers manually updating the system with the co-operation level they experienced when they encounter an individual in contravention of the new legislation. The CVI System was introduced on 06/04/2020, and as result, data is only available at a sub-divisional level from this date onwards.

The IAG receives weekly updates from Police Scotland of data on house gatherings (including entries using reasonable force), and breaches of regulations covering travel and quarantine restrictions. In addition, with the new online system for reporting, we receive an update on the number of reports made that way.

The weekly report includes detailed examples in some of these categories. For example, in the latest weekly report, detail is provided on all six occasions when entry was forced during the relevant week.

Taken together, this gives us a good picture of policing activity up to and including enforcement. This continues to be supplemented with direct input to the IAG from Divisional Commanders.

It is also supplemented by input from Police Scotland's OpTICAL group⁶, chaired by ACC Gary Ritchie. This group supports our work and offers an additional opportunity for discussion as we explore explanations and context for some of the data. It is attended on a weekly basis by IAG members Ephraim Borowski, Professor Susan McVie and John Scott. Dr Liz Aston is also a member.

Data confirms that the profile of interventions has changed significantly over time. In the first week of the new powers last year, FPNs made up 21.4% of all recorded interventions. This declined to only 1% by week 11 (late May) and remained low (below 5%) until week 28 (early October) when it started to rise again. By week 47 (week to 17 February 2021), FPNs made up 46.8% of all recorded interventions. To put it in further context, the average over the whole period is 9.5%. The latest data therefore show enforcement at its highest level since the start of the emergency powers just under a year ago.

It is notable that when we were preparing to come out of the lockdown in wave 1, police activity had already become much more focused on the first 3Es; however, as we prepare to come out of lockdown in wave 2, the situation is very different.

The causes and implications of this increase is the subject of ongoing discussion at the IAG and OpTICAL. There may be various reasons for

⁶ For more information about OpTICAL, see our second interim report – <https://www.spa.police.uk/spa-media/5erhkjeb/rep-b-20200629-item-5-iag-report.pdf>
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it. Divisional Commanders report that the patience of some members of the public with restrictions appears to have been exhausted. Frankly, they also say that some officers may be losing patience where there are flagrant or repeated breaches, especially in circumstances where there is little or no room for confusion and it involves deliberate breaches as opposed to an inability to adhere. Increased enforcement was always likely to be a feature of restrictions imposed during a second wave of the virus.

Enforcement is an area which is addressed more fully in the data report by Professor McVie at Appendix A on the use of FPNs during the first lockdown.

Quoting from Professor McVie's report:

- *During the period studied there were 44,296 interventions with the public recorded by police officers, of which only 7.2% involved issue of an FPN.*
- *There were 4,327 FPN tickets issued to 3,786 individuals, which represents 0.08% of the Scottish population.*
- *Only 10.8% of FPN recipients were issued with more than one ticket and no single individual received a fine higher than £480.*
- *These data suggest that there was a small core of individuals who repeatedly breached the Regulations; however, repeat breaches became less common as time went on and the length of time between such breaches increased.*

Separately from this report, Professor McVie had a look for the IAG at the change over time in pandemic-related policing activity based on the locus of interventions under the Coronavirus Regulations. Data were extracted from the CVI system for the period from 1st April 2020 to 31 January 2021.

Over the 44 weeks from April 2020 to January 2021, 106,760 interventions were recorded. The largest number of interventions recorded in any one week was 9,901 in week 6 (4 to 10 May 2020), while the smallest number was 3 in week 17 (20 to 26 July 2020). Analysis was not conducted by intervention type.

Locus of interventions was recorded under three categories: private dwelling; other private and non-dwelling; and public place. The most noticeable change over time is the large reduction in interventions

occurring in public places between the first and second waves of the pandemic. There were far more interventions recorded on a weekly or monthly basis during wave 1, and it is clear that the majority of these related to breaches of the regulations that occurred in public places (i.e. beauty spots, public parks, beaches, etc). During the early stages of wave 2 (especially in September), there was a rise in the number of interventions occurring in public places; however, this reduced markedly from October onwards.

During wave 1, the actual number of interventions that occurred in private places was high during the early weeks and then gradually declined over time (with the exception of a spike in activity during week 6). During wave 2, the number of interventions in private places increased gradually to around week 25 (when the 'rule of six' was introduced) and remained at around the same number per month for the remaining period. There were some weekly fluctuations in the number of interventions involving private places – with November having the largest number of incidents – but the overall number of interventions did not approach anything like the same weekly numbers observed in wave 1.

It is clear that the biggest change in policing activity between the first and second waves was the very large reduction in the number of interventions taking place in public places, rather than a substantial increase in the number occurring in private spaces.

In April 2020, interventions occurring in private places accounted for around 20% of all recorded policing activity; however, this reduced gradually to around 10% in July 2020. There was a gradual decline in the proportion of all interventions occurring in a private place over this period, although there were some periodic spikes in activity. From August onwards, the proportion of all interventions occurring in private places increased gradually, peaking at over 70% in November. There were two large spikes in weeks 17 and 19 (which are artefacts due to the very small numbers during these weeks). However, there was a real spike in private place interventions in weeks 21 and 22 (the last two weeks of August). From week 24 onwards, there is a clear rise in the proportion of all weekly interventions occurring in private spaces – this is almost certainly due to a combination of the start of the higher education academic year and the introduction of the 'rule of six'. The relative share of incidents occurring in private places peaked at 90% in week 38 (14 to

20 December, which coincides with the end of term/semester for most Scottish Universities).

The relative focus of policing activity under the Coronavirus regulations shifted significantly between the first and second waves. The underlying demand for policing moved away from public (outdoor) places towards private (indoor) spaces.

No doubt the weather had some bearing on these patterns of activity, but it is notable that from week 40 onwards (immediately following Christmas) the proportion of interventions occurring in public places increased to around 40% of all activity. This suggests a shift back to policing public places during the holiday period, although it is clear that regulatory breaches occurring in private places continue to dominate in terms of operational demand.

Professor McVie is continuing her work on other data.

She is completing her analysis of figures from the CVI system to demonstrate the use of different forms and levels of intervention across policing divisions between 27 March 2020 and 3 January 2021, covering the first and second waves of the pandemic in Scotland. This will provide a long term view of the use of different forms of intervention under the Coronavirus Regulations, taking account of the Christmas and New Year period, and make some comparisons between policing activity during waves one and two of the pandemic - firstly, from 27 March to the end of June 2020 and secondly, from August 2020 to 3 January 2021.

She is also finalising work on linking FPN from Police Scotland with data from the Scottish Courts and Tribunals Service.

The **Joint Committee on Human Rights at Westminster** (“JCHR”) is currently carrying out an Inquiry into the impact of lockdown restrictions on human rights and whether those measures only interfere with human rights to the extent that is necessary and proportionate. In particular, it is interested in the impact of long lockdown on certain communities. An evidence session is being held on 24 February⁷ which will include consideration of the policing of lockdown. Questions being considered include:

⁷ <https://committees.parliament.uk/event/3720/formal-meeting-oral-evidence-session/>

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- Is the use of Fixed Penalty Notices (FPNs) for lockdown offences proportionate, fair and non-discriminatory?
- Is it clear why FPNs have been issued and are there adequate ways to seek a review or appeal of an FPN?
- Are the amounts of FPN fines proportionate?
- Has there been a disproportionate impact on certain groups?

Although dealing with the position in England and Wales, there may be some useful learning for us. Eleanor Hourigan, Counsel to the JCHR, is attending one of our meetings in March.

Public attitudes

The latest UCL Covid-19 Social Study⁸, dated 11 February 2021, states:

- Confidence in the central government to handle the COVID-19 pandemic remains lowest in England, but has increased slightly in England, Wales, and Scotland over the last several weeks. Young adults, people from ethnic minority backgrounds, and people living in urban areas continue to have lower levels of confidence in government.

This release does not specifically address issues relating to the police but confidence in government is important for effective messaging.

In terms of public confidence in policing, we have mentioned previously the spectrum of public attitudes towards lockdown which can affect this. The two ends of the spectrum may have modified their arguments from time to time but they remain irreconcilable. Some want to see greater enforcement and harsher penalties, while others insist that lockdown should end now or very soon. Although the first five priority groups for vaccination have mostly been vaccinated, the “libertarian” wing of the spectrum was demanding an end to lockdown even before that had happened. Demands for an end within weeks to lockdown and, indeed, all legal restrictions related to coronavirus are now gathering pace⁹. Each end of the spectrum is unhappy for its own different reasons, with

⁸ https://b6bdcb03-332c-4ff9-8b9d-28f9c957493a.filesusr.com/ugd/3d9db5_4ddc07e7ddaa463f87224e71840d4fac.pdf

⁹ <https://www.eveningexpress.co.uk/news/uk/tories-mps-demand-johnson-lifts-all-covid-restrictions-by-end-of-april/>

policing caught in the middle. Confidence in policing relies on the principle of consent which requires public confidence.

We are concerned therefore about the knock-on effects of these views at both ends of the spectrum and the possibility that negative perceptions of policing as both too lenient *and* too strict could impact negatively on the legitimacy of Police Scotland in the remaining phases of the pandemic, and thereafter.

Communications - General

There is nothing specific to report in this section. Leaving aside issues regarding the new quarantine regulations, it appears to us that communications in Scotland remain relatively clear and consistent, from Police Scotland, the Scottish Government, and the First Minister. This is true also of internal as well as external communications from Police Scotland, with regular updates to officers on the tone and content of the policing approach, especially when there are significant changes in restrictions.

Media reporting around the pandemic is still drawn to apparent and actual breaches rather than the continuing widespread adherence by the majority of the public. It is likely that this will impact on public confidence, especially if there is a sense that breaches are more frequent than is in fact the case.

Impact on children and young people

Schools have remained open to the children of key workers and for vulnerable children. As of 22 February, larger numbers are to return, with an additional increase seeming likely in early course.

Otherwise, concerns remain about the current lockdown restrictions that treat children aged 12 and over in the same manner as adults for the purposes of gatherings. Undoubtedly this has a serious impact on the health and wellbeing of such children. It is hoped that an early change to this will be announced in this week's roadmap from the Scottish Government.

Work on the impact on children and young people is continuing which involves the office of the Children and Young People's Commissioner Scotland ("CYPCS"). An update on this work from IAG member Maria Galli of the CYPCS should be ready for our report for the March Board meeting.

Quarantine regulations and self-isolation

We recognise, of course, that international travel is a source of concern for importation of various strains of coronavirus, perhaps especially new variants. It appears that that importation was at least partly responsible for an increase in cases after significant progress in reducing numbers last summer in Scotland. Clearly, it is an area that demands government attention and additional restrictions may well be considered necessary.

Nonetheless, as a group we have several concerns.

Once again, while the new general quarantine scheme was announced by the UK and Scottish Governments some weeks ago, the relevant regulations were published only at around 1600 hours on 14 February, that is less than 24 hours before they came into force. It is scarcely better but the UK regulations were published 48 hours earlier on 12 February.

No doubt, considerable work is required between the governments of the Four Nations on an issue like this which, apart from other complexities, may cross aspects of the distinction between reserved and devolved powers and needs proper co-ordination. Equally, there may be, as happened here, different approaches taken by the different governments. Where the issue concerned is international travel, it is most unfortunate when this co-ordination fails to produce a wholly coherent approach across the whole of the United Kingdom. That gives rise to issues that may create additional and, perhaps, unnecessary problems for the public, police and others.

We have commented repeatedly as a group on the human rights and other implications of failing to publish the detail of important legislative changes until just before they come into force. We are unconvinced that late publication of significant legislative changes without adequate (or

any) scrutiny, has in fact always been necessary. It is unfair on the public and the police, and is likely to result in good faith errors on the part of both. For a matter as important as this, there should also be as much Parliamentary and other scrutiny as possible. This scrutiny should take place before enactment. If the situation is truly so urgent that it cannot happen beforehand, it should nonetheless occur shortly afterwards. Human rights and other impact assessments have been another casualty of “urgency” but should not be considered optional extras. We have asked the Scottish Government for sight of all impact assessments for the new regulations, in particular equalities, children’s rights and human rights.

Meaningful Parliamentary scrutiny is essential for the introduction of significant measures which may impact on the right of individuals to be free from unlawful detention. No doubt thought has been given to the implications of articles 5 and 8 of ECHR and articles 3, 16 and 37 of the UNCRC for the planned legislation, with access to the courts another minimum safeguard. This all requires proper communications, funding and signposting to ensure the practical and effective realisation of rights.

We should say that brief consideration of the International Health Regulations 2005 suggests that there are requirements around quarantine and ground crossings which must inform the approach of the UK and Scottish Governments. In particular, we are not convinced that the two governments did enough in terms of joint agreements and arrangements. The unhappy consequence has been described as a “loophole”¹⁰. It is fair to say that it lacks logic and coherence.

It appears that, in terms of the 2005 Regulations, suitable medical arrangements should be in place for airports, ports and ground crossings. Was any thought given to this? It might be that NHS personnel would be required in addition to police officers or other officials.

What planning and assessment was undertaken of the impact on:

- children

¹⁰ <https://www.bbc.co.uk/news/uk-scotland-56060224>

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- families
- those with disabilities (including hidden disabilities)
- those who may suffer from PTSD
- those from a minority ethnic background (who may require to travel more frequently and, in some cases, may not have English as a first language)?

What communications have been put in place, in particular in England for those intending to travel on to Scotland?

If quarantine hotels are to be used, what are the arrangements for enforcement? Are security staff to be given powers? We would be concerned about such powers for untrained (or even trained) civilians but, without such provisions, we foresee the prospect of significant policing demand every time there are flashpoints.

(One point which is not strictly a policing matter, relates to whether consideration has been given to the restrictions in the 2005 Regulations on charging travellers for health measures, including quarantine.)

In Scotland, the approach to policing in the pandemic has been notable for its consistency and respect for human rights. The 4Es allow for engagement with the public which provides the space for good faith errors. Enforcement is used, but only where necessary. Flagrant or repeated breaches can see acceleration through the 4Es or even direct moves to enforcement. All of this has been commended by the IAG and others. This has no doubt contributed to the impressive levels of public confidence which highlight the significance of the principle of policing by consent. Public confidence in policing and government in Scotland have appeared higher than elsewhere in the UK. We are concerned whenever a measure is introduced which is lacking in proper coherence, enforceability and clear proportionality, public confidence may be damaged. That confidence is more than merely nice to have. It has been essential in underpinning the central public health messages and

encouraging remarkable levels of public adherence to unprecedented restrictions. In addition, policies that are incoherent or contradictory are more likely to be ignored.

As we said in our last report, for requirements around quarantine, as with other requirements for self-isolation, support rather than enforcement is key, and is certainly more important and effective than enforcement alone.

Face coverings

General impressions remain of high levels of adherence to this regulation and little additional work for Police Scotland.

Travel Regulations

As before, these restrictions are not policed pro-actively by way of roadblocks, checkpoints or random stops. Extra patrols, coupled with reduced traffic, increases the visibility of police presence but this is intended more as a deterrent.

Even without a pro-active approach, as at 14 February (from 20 November), there had been 2,033 interventions, including 532 FPNs.

The Work of the IAG

The future of the IAG will be kept under review, with discussions between the SPA Chair and the IAG Chair ensuring that its work continues in a proportionate manner until no longer required.

Given the nature of current restrictions, the Group has continued to meet weekly, with regular contact between meetings involving IAG members, the SPA and Police Scotland. The OpTICAL group also continues to meet weekly. The Group is therefore able to provide assistance and guidance on matters as, or shortly after, they arise in still changing circumstances.

We continue to engage with relevant outside experts – see appendix B for details.

When the current emergency powers lapse (currently March 2021, following the introduction of new restrictions, but clearly subject to review and renewal), we aim to produce a final report thereafter, offering some additional views on the positives in this experience as well as lessons to be learned. This may be delayed a little to incorporate what is learned from the review mentioned below.

Work Programme

See appendix B for the detail. Notes of our meetings since our letter of 20 January will be put on our page on the SPA website after this report is published.

Public portal

This went live on 1 June 2020. As at 19 February 2021, we had received 102 responses. The portal remains live for the public to share its experience of, and views about, the emergency powers.

Conclusion

Having regard to the evidence mentioned in this report as well as other evidence and sources mentioned in previous reports, it remains our view that use of emergency powers by Police Scotland in general remains compliant - both in application and spirit – with:

- (a) human rights principles and legal obligations, including those set out in the Human Rights Act 1998 and the Scotland Act 1998
- (b) the values of Police Scotland – integrity, fairness and respect - and its 'safety and wellbeing' remit as laid out in the Police and Fire Reform Act (Scotland) 2012, and
- (c) the purpose of the 2020 Act and Regulations, namely safeguarding public health.

This continues to satisfy the primary role of the IAG in the Terms of Reference¹¹.

FUTURE STEPS FOR THE SPA

Following discussions between the Chair of the SPA, Police Scotland and the Chair of the IAG, an impact assessment review will shortly be commissioned to consider the membership, process, impact and value added through the IAG and the support to the IAG of the OpTICAL group. Applications are being sought with a view to the work being completed quickly and reported to the SPA before the summer. The review will be carried out by looking at the material produced by the IAG and interviews with relevant individuals at Police Scotland, the SPA and within the IAG.

¹¹ <https://www.spa.police.uk/spa-media/5gxhinni/tor-final-27-4-20.pdf>

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**SECOND DATA REPORT ON POLICE USE OF FIXED PENALTY
NOTICES UNDER THE CORONAVIRUS REGULATIONS IN
SCOTLAND**

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February 2021

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Acknowledgements

This report was produced to assist and inform the work of the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis (hereafter referred to as the IAG). The IAG, which was established by the Scottish Police Authority in April 2020, has played a key role in the scrutiny of the policing approach to the pandemic in Scotland. Thanks are due to the members of the IAG, chaired by John Scott QC, for their input to the content of the report and their insightful comments on the analysis conducted. Access to robust data and evidence, which is core to the work of the IAG, has been supported by Police Scotland's Operation Talla Information Collation, Assurance and Liaison (OpTICAL) Group, chaired by Assistant Chief Constable Gary Ritchie. Grateful thanks are due to the members of the OpTICAL Group who coordinated, quality assured and supplied the data used for this, and other, data reports. The contents of this report were peer reviewed by members of the OpTICAL Group, academic colleagues from the Scottish Institute for Policing Research and statisticians from the Scottish Government's Justice Analytical Services. Research support was provided by members of the ESRC-funded Understanding Inequalities project and the Scottish Centre for Administrative Data Research based at the University of Edinburgh, so thanks are also extended to them.

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Executive Summary

This data report contains detailed analysis of the profile of those individuals who received a police Fixed Penalty Notice (FPN) under the Coronavirus Regulations in Scotland during the first lockdown wave (from 27th March to 31st May 2020). It is one of a series of data reports produced on behalf of the Independent Advisory Group (IAG) on Police Use of Temporary Powers during the Coronavirus Crisis in Scotland, chaired by John Scott QC. The main findings from the report are summarised below.

Overall pattern of police intervention and use of FPNs

- A public opinion survey conducted in May 2020 found that members of the public in Scotland were overwhelmingly compliant with the guidelines.
- Since the introduction of the Coronavirus policing powers, Police Scotland has followed the 4Es approach (i.e. Engagement, Explanation, Encouragement and Enforcement) with the 4th E focusing mainly on the most flagrant breaches.
- During the period studied there were 44,296 interventions with the public recorded by police officers, of which only 7.2% involved issue of an FPN.
- There were 4,327 FPN tickets issued to 3,786 individuals, which represents an extremely small section (0.08%) of the Scottish population.
- Only 10.8% of FPN recipients were issued with more than one ticket and no single individual received a fine higher than £480 (the maximum being £960).
- The mean number of days that elapsed between the issue of repeat tickets was 9.4; however, around a quarter was issued within one day, and just over one in ten was issued on the same day.
- These data suggest that there was a small core of individuals who repeatedly breached the Regulations; however, repeat breaches became less common as time went on and the length of time between such breaches increased.

Socio-demographic profile of FPN recipients

- The profile of those who received FPNs was predominantly young and male.
- Research evidence has shown that young people, and especially young men, have been less likely to comply with the Coronavirus Regulations, which helps to explain the age and sex profile of the FPN recipients.
- It was not possible to establish if the degree of police enforcement involving men and younger people in Scotland was out of proportion to the level of non-compliance amongst these groups.
- Most people receiving an FPN in Scotland had a prior criminal history, and one in five had first come to the attention of the police over 20 years ago.
- Comparisons to population estimates suggest that people with a criminal history were significantly over-represented amongst those receiving FPNs.
- It is possible that some people with a prior criminal history were less willing and/or able to comply with the regulations, or less cooperative with the police, compared to the general population.
- It is also possible that the behaviour of those with a prior criminal record who breached the regulations may have been more visible to, more likely to be reported to, or less tolerated by police officers during lockdown.

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- People living in the 10% most deprived Scottish neighbourhoods were 11.2 times more likely to receive an FPN than those living in the 10% least deprived Scottish neighbourhoods.
- Amongst those living in Scotland's most deprived areas, women, older people and those with a prior criminal history had a higher than average likelihood of receiving an FPN.
- It was not possible to explain these patterns, although they reflect an additional degree of inequality in the way the pandemic has been experienced amongst certain groups of people who live in communities that are already typified by poorer health, economic, educational and environmental outcomes.

- The number of people from non-white ethnic backgrounds who received FPNs was very small and the ethnic profile of ticket recipients was broadly similar to the overall population profile
- Rates based on population estimates did show a slightly higher likelihood of receiving an FPN amongst those from non-white backgrounds compared to the white majority population (although rates were very low for all groups).
- The difference in rates compared to those from a White background suggests a disparity rate of 1.5 for those from Asian backgrounds and 1.4 for those from African/Black/Caribbean backgrounds. These disparity rates are lower than the equivalent disparity rate of 1.8 reported for England and Wales.
- FPN recipients from non-white ethnic groups were more likely to be male and younger, which could partially account for the higher rates of FPNs issued.
- It is unlikely that any ethnic differences in the likelihood of receiving an FPN were due to factors associated with deprivation or prior criminal history.
- Caution should be taken in inferring ethnic inequality based on these figures as numbers were very small and population estimates may not be accurate.

- The country of birth profile of FPN recipients was broadly similar to the Scottish population, with less than one in ten people being born outside the UK.
- The number of EU-born residents that received an FPN was very small; however, they were 1.3 times more likely to be fined than those born in the UK.
- Rates based on population estimates indicated that those born in Eastern and Central Europe – and particularly the EU2 countries (Bulgaria and Romania) – were relatively more likely to receive an FPN than those born in the UK.
- The higher rate of FPNs issued amongst those born in EU countries was not explained by their sex or age profile, their level of neighbourhood deprivation or their prior criminal history.
- More research would be required to determine the extent to which these differences were due to policing practice or issues related to compliance, such as language difficulties, economic stressors, cultural factors, demographic profile or other factors.

Comparison of single and repeat FPN recipients

- There was no significant difference in the profile of single and repeat FPN recipients according to sex, ethnicity or country of origin.
- There was a slight difference between single and repeat FPN recipients in terms of their deprivation profile, but it did not suggest that living in the most deprived communities increased the likelihood of receiving multiple tickets.

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- Repeat FPN recipients were older, on average, than those who received only one; however, this may well be related to their criminal history.
- Having a prior criminal record was the most significant of the factors studied that distinguished between people in terms of their likelihood of receiving more than one FPN under the Coronavirus Regulations during the initial wave of the pandemic.
- This suggests a need to better understand the characteristics, behaviours and experiences of people with a criminal record in Scotland, in order to explore barriers to compliance and identify better ways of ensuring compliance with future public health restrictions.

Geographical profile of FPN recipients

- There was significant variation across Scotland in the number of people issued with FPNs and the rate per capita.
- Around seven in ten FPN recipients were issued with tickets in the West region of Scotland, which was higher than expected based on population size.
- Three in ten of all FPN recipients breached the Regulations in Greater Glasgow division, which was the highest of any single division.
- After accounting for population size, the rate per capita of FPN recipients was still highest in Greater Glasgow, although the difference in rates between this and other divisions was far lower than the difference in total numbers.
- Dumfries & Galloway and the Lothians & Scottish Borders divisions had the lowest number of FPN recipients.
- The Lothians & Scottish Borders division also had the lowest rate per capita of FPN recipients.
- These findings suggest a high degree of 'localism' in terms of operational policing activity that is not explained by population size alone, but it was not possible to explore this further using these data.

- There was very little difference across police divisions in terms of the sex, age or criminal history profile of those who received FPNs.
- The profile of FPN recipients based on ethnicity and country of birth did vary to some extent across divisions, although this is most likely to reflect regional variations in demographic characteristics.
- There were substantial differences in the proportion of all FPN recipients living in the most deprived communities across divisions; however, this did tend to vary in line with the general deprivation profile of these areas.
- A few divisions had a higher than expected percentage of FPN recipients living in the most deprived communities, including the North East, Highland & Islands and Dumfries & Galloway divisions.
- Again, it was not possible to explain these differential patterns with these data.

- Repeat ticketing was most common in the North region.
- Tayside and Highland & Islands divisions had the highest overall percentage of repeat FPN recipients (although the North East division had one of the lowest).
- The two divisions with the highest proportion of repeat FPN recipients had very low numbers overall, which could suggest some differences in terms of police tolerance of repeat breaches or public tendency to comply with the regulations.

1. Introduction

This is the second data report on Police Scotland's use of Fixed Penalty Notices (FPNs) during the Coronavirus pandemic. The report was produced on behalf of the Independent Advisory Group (IAG) on Police Use of Temporary Powers during the Coronavirus Crisis in Scotland, chaired by John Scott QC and established by the Scottish Police Authority (SPA) in April 2020. The contents of this report should be considered in the context of a wider series of reports and papers produced by the IAG for the SPA.¹

Under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations Scotland 2020, police officers could offer a Fixed Penalty Notice (FPN) to any individual aged 16 or over who was thought to have committed an offence under the Regulations.²

The first data report on FPNs³, published on 19th August 2020, presented information about all tickets issued by the police under the Coronavirus Regulations in Scotland between 27th March and 31st May.⁴ This second report presents further analysis of the same data, but focuses on the socio-demographic and geographical profile of those individuals who were issued with an FPN, conducts a detailed comparison with the Scottish population and examines differences in the characteristics of those who received a single FPN compared to those who received two or more tickets.

Where possible, the analysis provides comparison with Scottish population data in order to identify any differences to what might be expected if FPNs were issued proportionately across all social and demographic groups. The work has been conducted to the highest ethical standards and all differences between groups have been tested for statistical significance at a minimum level of 95%. This means we can be confident that the likelihood of any differences we find between groups occurring by chance is less than one in twenty. It is still possible that differences between groups may have occurred by chance (i.e. did not represent any real difference between groups); however, testing the data at a 95% level is a commonly used threshold of certainty.

Despite testing for statistical significance, some of analysis in this report involves very small groups (e.g. numbers of people in certain ethnic groups or born in countries outwith the UK). Calculation of population rates for different groups has been conducted using the most recently available population estimates; however, any error in the underlying population figures could affect the estimated rates substantially. Therefore, caution should be taken before drawing definitive conclusions based on population rates for certain groups (especially for ethnicity and country of birth) and it

¹ All reports produced on behalf of the IAG can be found on the Scottish Police Authority website: <https://www.spa.police.uk/strategy-performance/independent-advisory-group-coronavirus-powers/>

² Note that under Regulation 9 of the Health Protection Regulations, FPNs could be offered to those aged 16 or over; however, the Coronavirus (No. 2) (Scotland) Act amended regulation 9 to raise the minimum age to 18, coming into effect on 27th May. This was intended to bring it in line with Police Scotland's 'Policing Approach to Children and Young People 2016-2020' and respond to calls by the UN to ensure children's rights were safeguarded during the pandemic.

³ McVie, S. (2020) Data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland. Report to the SPA Authority Meeting, 19th August 2020. <https://www.spa.police.uk/spa-media/mgrfggey/rep-b-20200818-item-11-iag-report.pdf>

⁴ Note that some of these FPNs were never processed, either because they were issued in error or rescinded; however, the report is based on all enforcement activity regardless of the outcome of the FPN.

should be borne in mind that differences that are statistically significant are not always substantively important.

2. Overall profile of police use of the powers

A Scottish public opinion survey conducted on behalf of the SPA in May 2020 found that members of the public had been overwhelmingly compliant with the regulations during lockdown.⁵ Overall, 80% of people said they had tried to comply with all of the guidance and a further 18% had tried to comply with most of the guidance. This indicates that, during the period under consideration by this report, most people were trying to stick to the rules around staying at home and avoiding contact with other households. In the majority of cases, this compliance was driven by a desire to protect the NHS and save lives (61%) or out of concern for catching the virus (25%). Notably, only 5% of survey respondents said that they had complied with the guidance because they did not want to get in trouble with the police for breaking the law.

When considering police use of FPNs during the pandemic, it is important to put this in the context of their wider application of the powers using the 4Es strategy (i.e. Engagement, Explanation, Encouragement and Enforcement). During the period under consideration in this report, there were 44,296 interventions recorded under Police Scotland's Coronavirus Intervention (CVI) System. Only 7.2% of these interventions involved issuing an FPN. The vast majority of police activity during the initial lockdown phase involved the use of the first 3Es, with use of FPNs or arrest consistently representing less than 10% of all activity.

Overall, the data show a high level of public compliance with the guidelines and a low level of police use of enforcement. Where possible breaches of the regulations occurred, the data suggest a high level of discretion in the police use of the new powers, with a strong emphasis on informal means of encouraging people to comply with the Regulations and relatively rare use of FPNs.

3 General profile of FPN tickets and recipients

3.1 Number of tickets and ticket recipients

There were 4,327 FPN tickets issued by Police Scotland under the Coronavirus Regulations during the period from 27th March to 31st May.⁶ Just over three quarters of these (78.1%, n=3,378) were issued to people who received only one ticket; while the remainder (21.9%, n=949) were issued to people who received two or more tickets.

In total, 3,786 people received at least one FPN for breaching the Coronavirus Regulations during the first two months of lockdown. This represents only 0.08% of the Scottish population, which further demonstrates that police use of enforcement during

⁵ Blake Stevenson Ltd (2020) Policing Lockdown: The Public's View. Report published by Scottish Police Authority in June 2020: <https://www.spa.police.uk/spa-media/yygpntao/june-2020-policing-lockdown-report.pdf>

⁶ This figure is different to the first data report as one ticket was removed from the dataset after Police Scotland confirmed it was a duplicate entry.

the first wave of the pandemic impacted on very few people.⁷ Of those who received an FPN, 409 (10.8%) were issued with two or more tickets.

Most of those who received more than one ticket (78.0%, n=319) received only two. A further 13.2% (n=54) received three and 7.8% (n=32) received four. Less than 1% (n=4) received more than four tickets. This means that only 2.4% of all FPN recipients were issued with more than two tickets. It is clear, therefore, that multiple ticketing was very rare.

3.2 Monetary value of multiple FPNs issued

In Scotland, the Coronavirus Regulations allow for a police officer to offer an FPN to any individual thought to have committed an offence under the Regulations. The amount of the first fine was set at £60 (reduced to £30 if paid within 30 days of issue), with subsequent FPNs to double in value up to a maximum of £960 (representing five FPNs).

The largest number of FPNs issued to one single individual during the initial lockdown wave was six, although no individual received a fine higher than £480. The total amount of financial penalties charged over this period came to £307,620. Of this, £103,800 was charged to those individuals who received more than one FPN, meaning that one third of the value of all financial penalties was incurred by around one tenth of all FPN recipients.

Of those who were issued with only one FPN, most (99.1%) were issued with a £60 fine; however, a small number were recorded as having been issued with a £120 (n=21) or £240 (n=2) fine. Similarly, amongst those who received more than one FPN, some were issued with more than one £60 fine (n=84), more than one £120 fine (n=10), and more than one £240 or £480 fine (n=4).

Based on discussions with members of Police Scotland's OpTICAL Group, it is most likely that a small number of single FPN recipients who were issued with a fine higher than £60 had been issued with a prior ticket that was withdrawn or rescinded before being processed (and, therefore, not recorded). In addition, a small number of repeat FPN recipients may have been issued with tickets of the same value due to administrative errors or by police officers not having full information about previously issued tickets.

3.3 Sequencing of multiple tickets

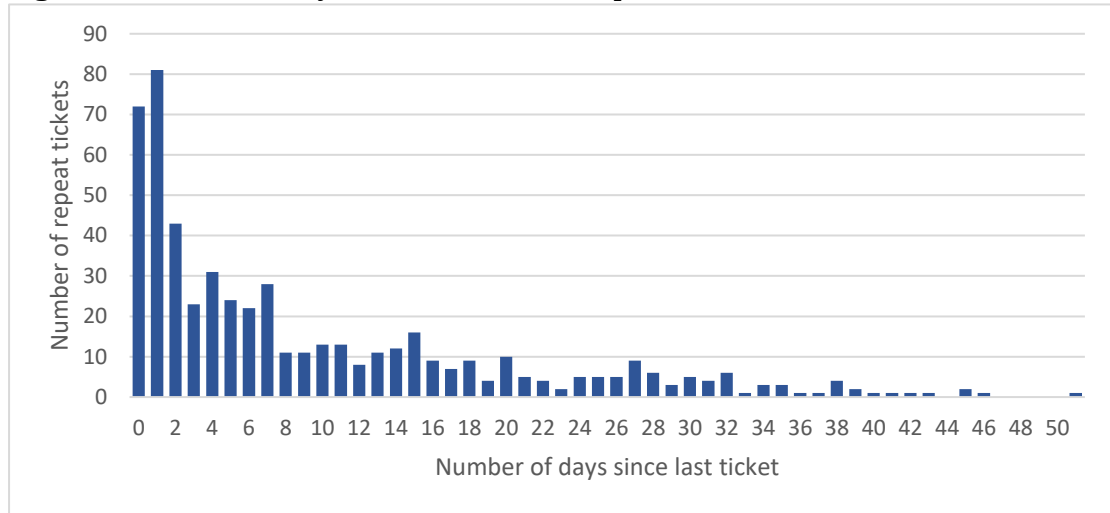
There was a total of 540 'repeat' tickets (i.e. not a first FPN). Analysis was conducted to examine the amount of time that elapsed between the issue of one ticket and the next, in order to consider how quickly officers responded to repeated episodes of non-compliance. The minimum number of days was zero (i.e. the repeat ticket was issued on the same day as the prior ticket) and the maximum number of days was 51.

Figure 1 shows the number of days that elapsed between the issue of one ticket and the next for all repeat tickets. Around a quarter (28.3%) of all repeat tickets were issued within one day of the prior ticket, and just over one in ten (13.3%) were issued on the same day. Over half (54.8%) of all repeat tickets were issued within one week of the prior ticket.

⁷ This calculation is based on the 2019 Mid-Year Population Estimate for Scotland for people aged 16 or over from the National Records of Scotland (n=4,541,903).

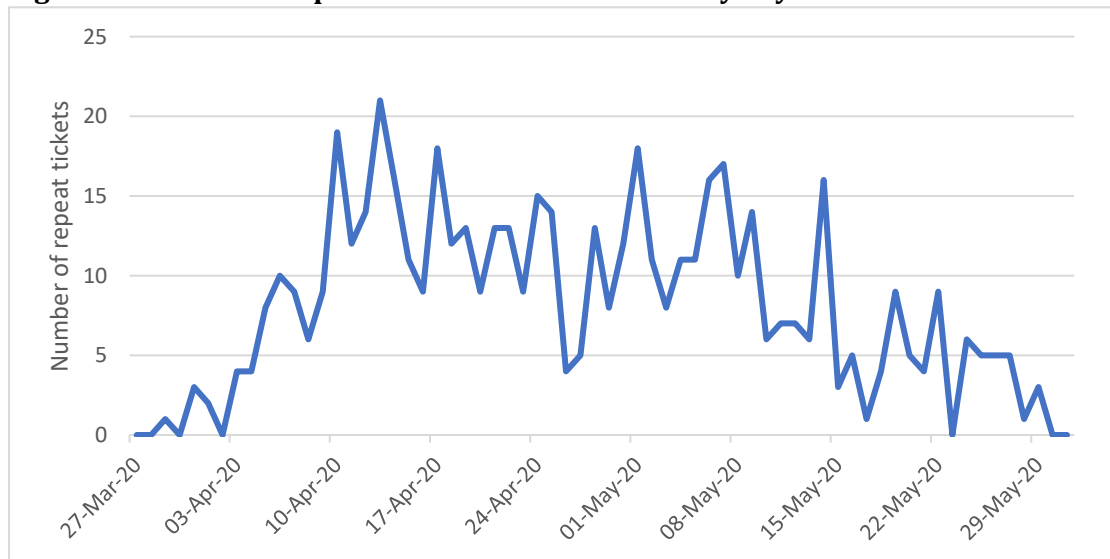
The mean number of days that elapsed for all repeat tickets was 9.4 days and the median was 5 days, while the most common was just one day. These findings suggest that for a proportion of those individuals who repeatedly breached the regulations, enforcement did not have even a short-term deterrent effect on their behaviour.

Figure 1: Number of days between issue of repeat FPNs in Scotland



Looking at the temporal pattern of repeat tickets issued, Figure 2 shows considerable fluctuation over time. The total numbers on any one day are small; however, the pattern shows a sharp increase during the first two weeks following the introduction of the policing powers, peaking around the 14th of April, and then a gradual decline over time. This pattern is generally in keeping with the trend in tickets issued over this period, as reported in the first data report.

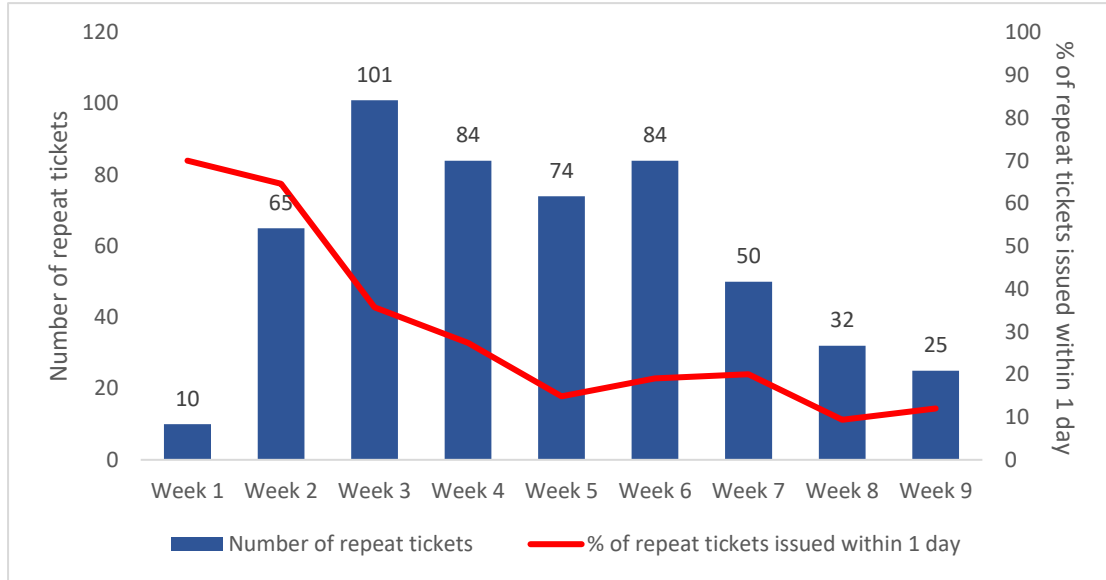
Figure 2: Number of repeat FPNs issued in Scotland by day



There are insufficient cases to determine a clear daily pattern in the time elapsed between repeat tickets, so analysis was conducted on a weekly basis. The bars in Figure

3 show the number of repeat tickets issued each week between 27th March and 31st May, and the line shows the percentage of those that were issued within one day of the prior ticket. In weeks 1 and 2, around two thirds of repeat FPNs were issued within one day of the prior ticket; however, this declined to around one third in week 3, a quarter in week 4, and then remained at or below one fifth from week 5 onwards.

Figure 3: Number of repeat FPNs per week and percentage issued within a day



This pattern in the data could indicate that a small core of individuals who breached the Regulations during the initial weeks of lockdown were likely to breach the Regulations again within a very short time period, requiring further enforcement by police officers to get the message across. Whereas, repeat breaches became less common as time went on, and the amount of time elapsed between such breaches increased, suggesting that there was at least a short term effect of enforcement on people’s compliance with the Regulations. However, these findings could also reflect an over-use of enforcement amongst a few problematic individuals in the early weeks of the lockdown due to the speed at which the Regulations were introduced, a lack of operational guidance around policing strategy and initial confusion around the use of the new powers. If this is the case, it clearly diminished as time went on as officers became more comfortable with the 4Es policy and familiar the associated rules and guidance.

4 Demographic profile of FPN recipients

4.1 Sex and age profile of FPN recipients

Analysis was conducted to determine the profile of FPN recipients according to sex and age, making comparisons to the Scottish population.

Where sex was known⁸, 22.9% (n=863) of all individuals receiving an FPN were female and 77.1% (n=2,908) were male.

⁸ 14 cases were missing information on sex.

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Expressed as a rate per 10,000 of the Scottish population⁹, men in Scotland were issued with FPNs at a rate of 13.0 per 10,000 compared to women with a rate of 3.6 per 10,000. This represents a relative difference – or disparity rate - of 3.6 (i.e. the rate for men divided by the rate for women). In other words, men were 3.6 times more likely to receive an FPN under the Coronavirus Regulations than women.

International research evidence has shown that women are more likely to consider the virus a serious risk and to both adhere to the law and comply with public health messaging around the use of face masks, hand washing and physical distancing.¹⁰ This has been observed across many OECD countries, including the UK, although the sex difference in compliance is not as great as the disparity rate in use of FPNs found in this data report.

The age profile of those receiving FPNs ranged from 16 to 84 years, with a mean age of 31.6 years.¹¹ The average age for men issued with an FPN was very slightly older than for women (31.8 years and 30.8 years, respectively). However, the most common age at which to receive an FPN was 18 for men and 19 for women, and 39.4% of all recipients were aged between 16 and 25 compared with 14.7% of the Scottish population.

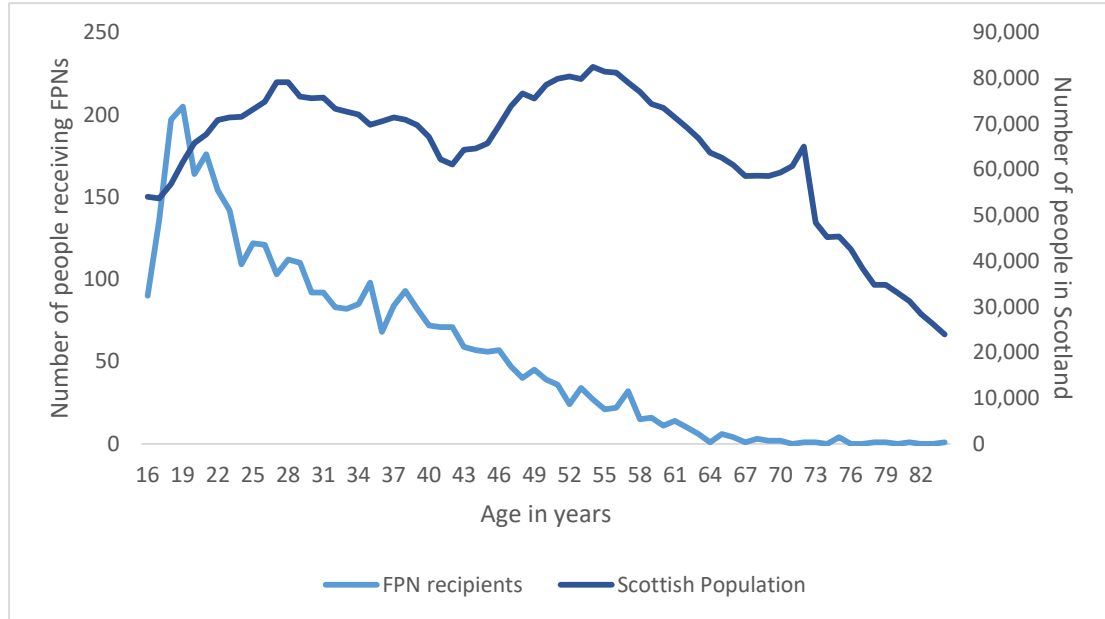
Figure 4 compares the age distribution of those who received one or more FPNs with the Scottish population profile. It shows a clear skew in the age profile of those receiving FPNs, with younger people being highly over-represented and older people being under-represented compared to the population as a whole. The comparative age profile shown in Figure 4 is almost identical for men and women.

⁹ Population rates for age and sex were calculated using 2019 Mid Year Population Estimates from the National Records of Scotland. Rates were calculated for those aged 16-84, to coincide with the profile of FPN recipients. Note that 58 individuals were excluded from age and sex analysis as they were recorded as not being residents of Scotland.

¹⁰ Galasso, V., Pons, V., and Profeta, P. (2020) Gender differences in Covid-19 perceptions and compliance. Vox EU / CEPR Report. <https://voxeu.org/article/gender-differences-covid-19-perception-and-compliance>

¹¹ 2 cases were missing information on age. The median age was 29 years for men and women.

Figure 4: Comparison of the Scottish population and FPN recipients, by age



Expressed as a rate per 10,000 people in Scotland, Figure 5 shows the rate of issue of FPNs for men and women from age 16 to 50¹². Despite the fact that there was a disparity rate by sex of 3.6, the age profile for male and female FPN recipients was remarkably similar. This indicates that age was a more important factor in determining whether someone received an FPN than sex.

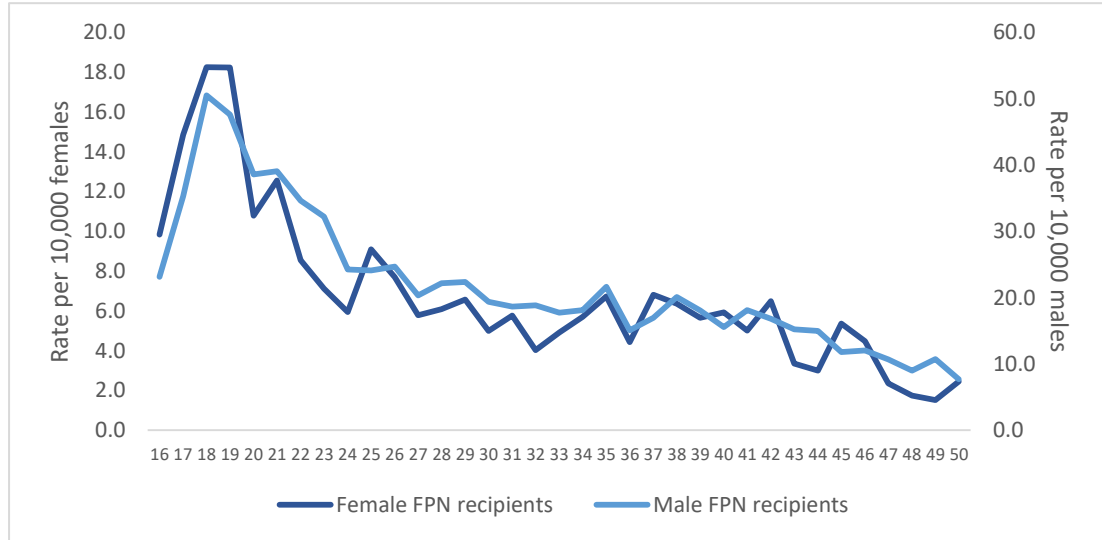
UK research evidence suggests that young people, and especially young men, have been least likely to comply with the public health measures put in place to reduce the risk of the spread of the virus during the pandemic.¹³ The research suggests that young people are particularly poor at recalling the coronavirus guidance and following it. Reasons for this include lack of engagement with the public health materials themselves (which may not be in a format that they are receptive to), apathy towards the pandemic as a whole, and overconfidence in their knowledge of the guidelines and their likelihood to have no or limited symptoms if they are infected. This is consistent with survey data produced for the SPA showing that those aged under 25 were most likely to say that they had struggled to comply with some aspects of the regulations.¹⁴

¹² Rates are not presented for those over the age of 50 as the number of people, especially women, is very small.

¹³ Roy-Chowdhury V., Perera D., Tagliaferri G., Mottershaw A., and Egan M. (2020) Young Men Are Hardest to Engage on Coronavirus Guidance: Analysis of 11 Trials with 20,000 UK Adults. Report from the Behavioural Insights Team. <https://www.bi.team/blogs/young-men-are-hardest-to-engage-on-coronavirus-guidance>

¹⁴ SPA Public Opinion Survey High Level Results, published 24th November 2020: <https://www.spa.police.uk/spa-media/vmyf200u/doc20201124-spa-covid-19-public-opinion-survey-wave-3-report-published.pdf>

Figure 5: Rate of FPNs per 10,000 people in Scotland, by age and sex



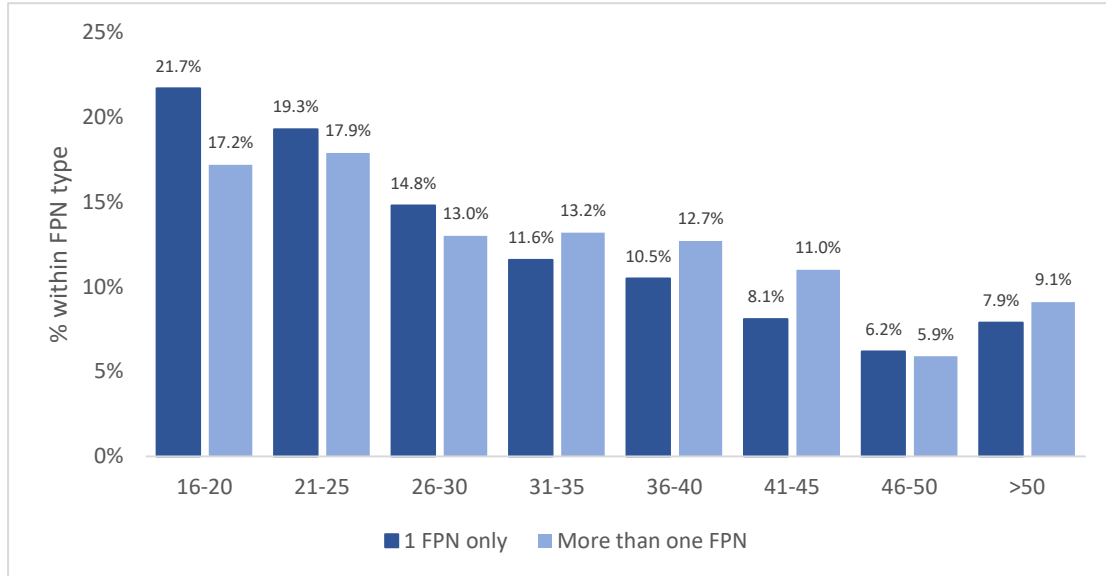
The findings on the age profile of those issued with FPNs in this data report suggests that the policing response was appropriately focused on those who were most likely to breach the Coronavirus Regulations in Scotland. It is not possible to be definitive about this without further information about the motivations and behaviours underlying each individual encounter. Nevertheless, as noted in the first data report, the age profile of those issued with FPNs was typical of those individuals encountered by police officers through routine policing activities, such as stop and search.

4.2 Age and sex profile of single and multiple FPN recipients

There was no significant difference in the sex profile of those people who received one FPN compared to those who received two or more. Overall, 23.2% of those receiving one FPN were female compared with 20.5% of those receiving two or more.

People who received more than one FPN were slightly older, on average, than those who received only one (32.7 years versus 31.3 years, respectively). This difference was statistically significant. Looking at the age profile of FPN recipients in 5-year age bands, Figure 6 shows that those who received one FPN were more likely to be at the younger end of the age spectrum, whereas those receiving two or more FPNs were more likely to be over the age of 30. This suggests that, while younger people may have been less likely to comply overall, it was older people that were most likely to breach the regulations repeatedly.

Figure 6: Age profile of single and repeat FPN recipients



5 Criminal history profile of FPN recipients

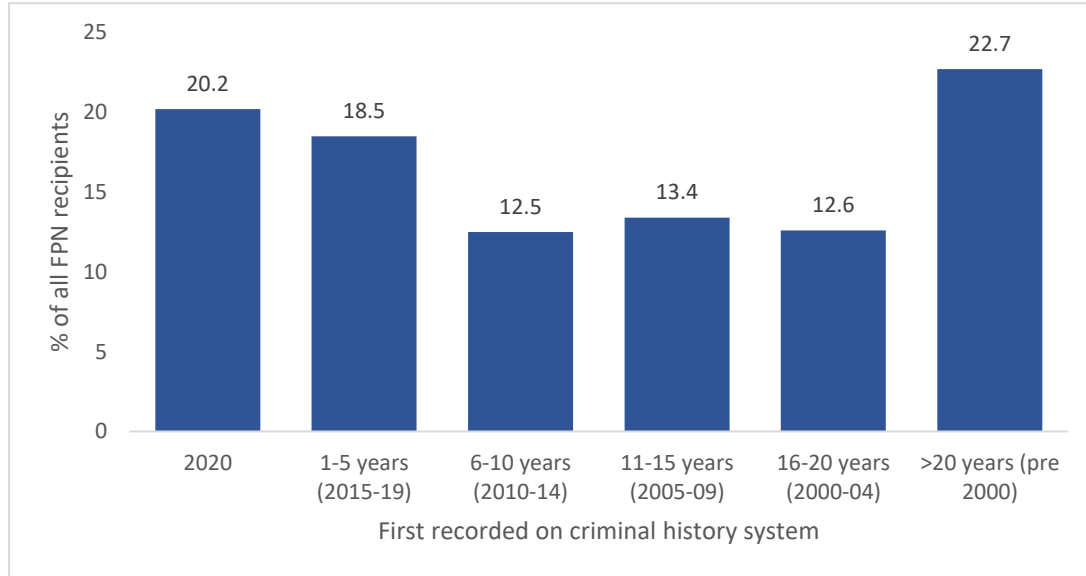
5.1 Number of FPN recipients with a criminal history

There has been much public debate, although little detailed research, on the reasons why people breach the Coronavirus Regulations. A host of academic studies have highlighted the potential impact of public messaging, trust in government and the behaviour of high profile individuals. However, there has been little consideration given to more normative aspects of rule breaking and whether individuals with a prior history of offending have a greater propensity to break the rules under lockdown. This report cannot examine the underlying reasons for non-compliance, as the focus is on policing activity; however, it can provide insights into the offending background of those who were issued with FPNs.

Data were provided from Police Scotland’s Criminal History System (CHS) about the year of first police contact for a large proportion of all FPN recipients.¹⁵ Figure 7 shows that for those FPN recipients for whom this information was known, four out of five (79.8%) were already known to Police Scotland prior to 2020. Of the remainder, 18.5% had come to the attention of the police for the first time during the previous 5 years; however, nearly two thirds of them was first known to the police more than 5 years previously. Notably, over a fifth (22.7%) of all FPN recipients had first come to the attention of the police more than twenty years previously. However, it is not possible to say how often these individuals had been in contact with the police over the intervening years (i.e. whether they were prolific offenders or not).

¹⁵ 1068 FPN recipients had missing information on criminal history. This includes the 58 individuals who were not resident in Scotland.

Figure 7: Criminal history profile of FPN recipients



There was a significant sex difference, with 69.2% of all female FPN recipients having a prior criminal history compared to 83.0% of male FPN recipients. These figures are much higher than the estimated population prevalence of criminal conviction according to a report published the Scottish Centre for Crime and Justice Research in 2013.¹⁶ This report estimated that around one third of the male population and one tenth of the female population in Scotland had at least one criminal conviction.

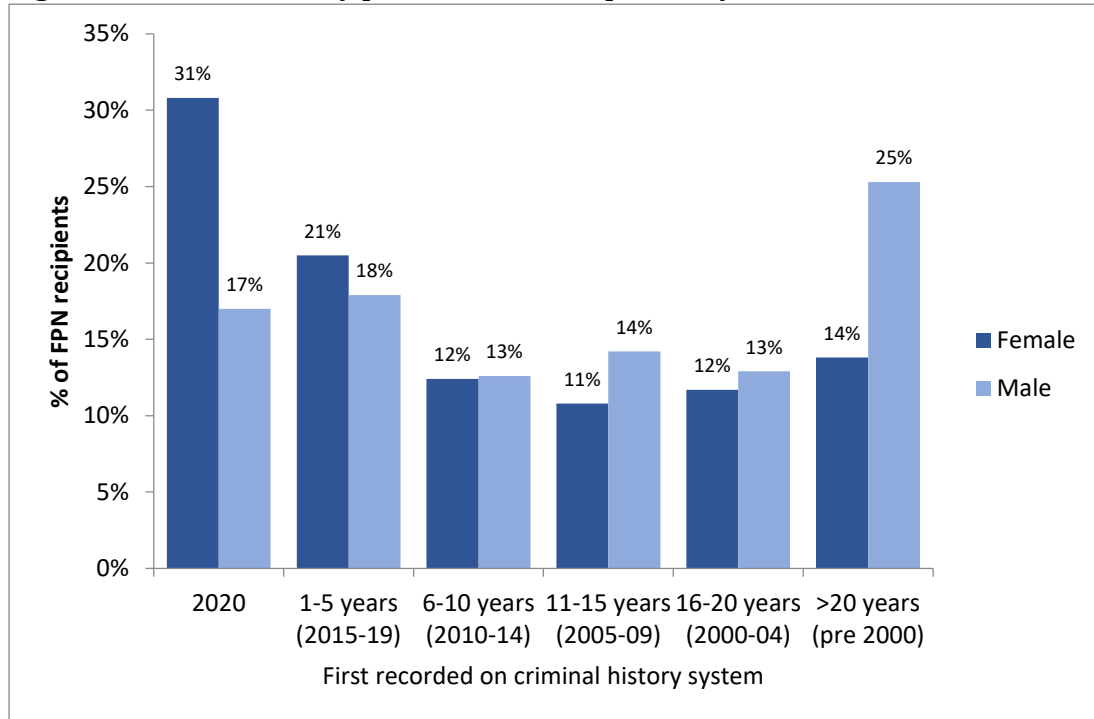
The fact that so many of the FPN recipients had a prior police history could be indicative of a normative dimension to the behaviours of some individuals during the pandemic. In other words, having a prior criminal conviction may be associated with certain cultural, behavioural, structural and lifestyle factors that increased some people’s unwillingness and/or inability to comply with the Coronavirus Regulations. Indeed, it is plausible that the behaviour of some individuals who were well known to the police may have constituted relatively more serious forms of breach than that of other people. However, it is not possible to discount the possibility that people with a criminal history who were in breach of the Regulations had a greater likelihood of being visible or reported to the police, and that officers may have moved more swiftly through the first three Es before issuing an FPN for such individuals (especially if they were seen to be repeatedly breaching the Regulations).

The differences between the criminal history profile for male and female FPN recipients are illustrated in Figure 8. The biggest sex differences are at the two ends of the criminal history distribution. Female FPN recipients were around twice as likely as males to have come to the attention to the police for the first time in 2020; whereas male FPN recipients were more likely than females to have been first known to the police more than twenty years ago. There is far less difference in the middle of the criminal history distribution shown in Figure 8. These differences in the criminal history of the men and women who were subject to enforcement for breaching the

¹⁶ McGuinness, P., McNeill, F. and Armstrong, S. (2013) The use and impact of the Rehabilitation of Offenders Act (1974): Final Report. SCCJR Report No. 02/2013. <http://www.sccjr.ac.uk/wp-content/uploads/2013/07/SCCJR-ROA-Final-Report-26-June-2013.pdf>

Regulations are worthy of further consideration in relation to the impact of the pandemic.

Figure 8: Criminal history profile of FPN recipients, by sex

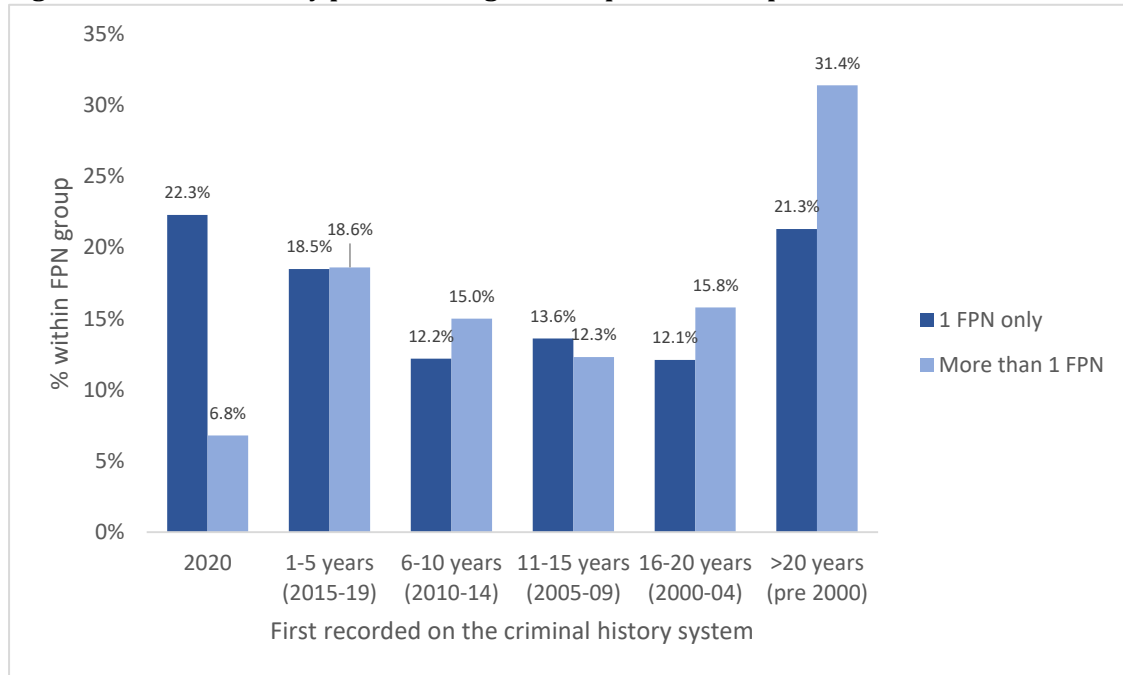


Likelihood of having a criminal history prior to receiving the FPN also varied significantly by age. Those who were first known to the police in 2020 had an average age of 28.4 years compared to an average of 32.7 years for those with a prior criminal history. Not surprisingly, the longer ago the FPN recipient was first known to the police, the older they were likely to be on average. This ranged from 23.3 years for those who were first known to the police within the last five years up to 44.7 years for those first known over twenty years ago.

5.2 Criminal history profile of single and multiple FPN recipients

Comparing the criminal history profile of single versus repeat FPN recipients, Figure 9 also shows differences at the two extreme ends of the distribution and less variation in the middle. Only 6.8% of those who received more than one FPN had first come to the attention of the police in 2020, compared with 22.3% of those who received only one FPN. While, 31.4% of those who received more than one FPN were first known to the police more than 20 years ago, compared to 21.3% of those who received only one FPN. The difference in the criminal history profile of those in receipt of one or more than one FPN was statistically significant.

Figure 9: Criminal history profile of single and repeat FPN recipients



The pattern shown in Figure 9 could well be related to the age profile of those who received repeat FPNs which was (as shown in Figure 6) somewhat older than those who received only one ticket. Nevertheless, the fact that so few repeat FPN recipients were first known to the police in 2020 is an indicator that this group was more likely to have broken the law in the past (and, therefore, may have had a greater propensity to do so again). However, as noted above, further information would be needed on the frequency and nature of their criminal history to be certain of this. There was also substantial missing data on this field, which could have biased these results (i.e. there is a much higher proportion of missing data on those who were single recipients than repeat recipients).

6 Deprivation profile of FPN recipients

6.1 Number of FPN recipients by Scottish Index of Multiple Deprivation

A Scottish Government report concluded that the most socio-economically disadvantaged people in society have been most impacted by the pandemic, both in terms of health (in terms of poorer mental health and physical wellbeing, lower life satisfaction and feelings of loneliness) and economically (due to the financial downturn, increasing unemployment and associated poverty).¹⁷ Analysis using the 2020 Scottish Index of Multiple Deprivation (SIMD)¹⁸ shows that age-standardised death rates were twice as high for those living in the 20% most-deprived areas compared to those in the 20% least deprived areas. The Scottish Government report also highlights a range of risk factors that may have led to people – especially women – failing to cope with the restrictions of the lockdown.

Using the home postcode of the FPN recipients, each individual was assigned to a Scottish datazone which allowed analysis using the 2020 SIMD. Analysis was conducted using the SIMD Deciles (aggregated into ten categories) and quintiles (aggregated into five categories), to show the proportion of FPN recipients who were living in the top 10% or 20% most deprived communities, respectively.¹⁹

Figure 10 shows a significant skew in the deprivation profile of FPN recipients. A third (32.5%) of FPN recipients were living in the top SIMD decile (i.e. the 10% most deprived communities in Scotland); whereas, only 2.9% of FPN recipients were living in the bottom SIMD decile (i.e. the 10% least deprived communities in Scotland). This represents a relative difference – or disparity rate - of 11.2. In other words, people living in the 10% most deprived Scottish neighbourhoods were 11.2 times more likely to receive an FPN under the Coronavirus Regulations than those living in the 10% least deprived Scottish neighbourhoods.

Explaining the SIMD profile for the FPN recipients is likely to be complex. It could be accounted for by patterns of behaviour and non-adherence with the restrictions during lockdown (due to a combination of unwillingness or inability), which may have been more concentrated in deprived communities. It could also be accounted for by patterns of public policing that involved greater deployment of resource to deprived neighbourhoods, either due to increased reporting of problems in those areas or due to strategic and operational policing decisions.

Whatever the reason, it is important to remember that the overall use of enforcement was very low, even amongst those living in the most deprived communities. Expressed as a rate per 10,000 of the population aged 16 or over, only 27.3 people per 10,000 living in the 10% most deprived communities were issued with an FPN as a result of

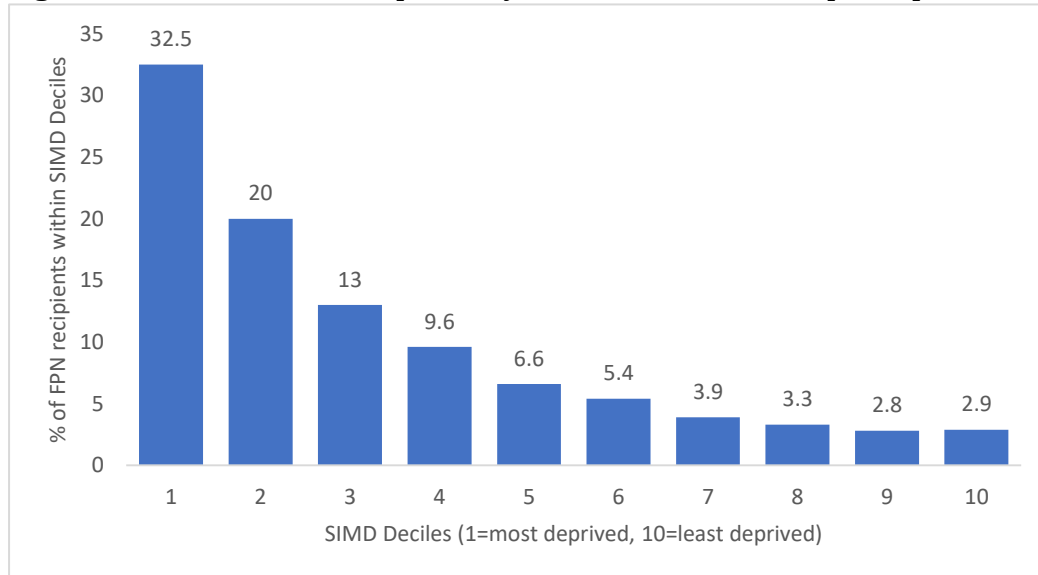
¹⁷ Scottish Government (2020) The Impacts of Covid-19 on Equality in Scotland. <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2020/09/the-impacts-of-covid-19-on-equality-in-scotland/documents/full-report/full-report/govscot%3Adocument/Covid%2Band%2Binequalities%2BFinal%2BReport%2BFor%2BPublicatio n%2B-%2BPDF.pdf>

¹⁸ The SIMD is tool for identifying concentrations of deprivation across Scotland. Each of Scotland's 6,976 datazones (small areas of geography) are ranked from first (most deprived) to last (least deprived) based on 32 separate indicators that measure different aspects of deprivation (e.g. economic, health, education, employment, crime, etc). It is used for a wide range of purposes including as a statistical classification and as an indicator to target resources and policies.

¹⁹ 263 FPN recipients did not have an indicator for the SIMD.

breaching the Coronavirus Regulations. Nevertheless, these findings do reflect an additional degree of inequality in the way the pandemic was experienced amongst some people who live in communities that are already typified by poorer health, economic, educational and environmental outcomes.

Figure 10: Profile of FPN recipients by Scottish Index of Multiple Deprivation

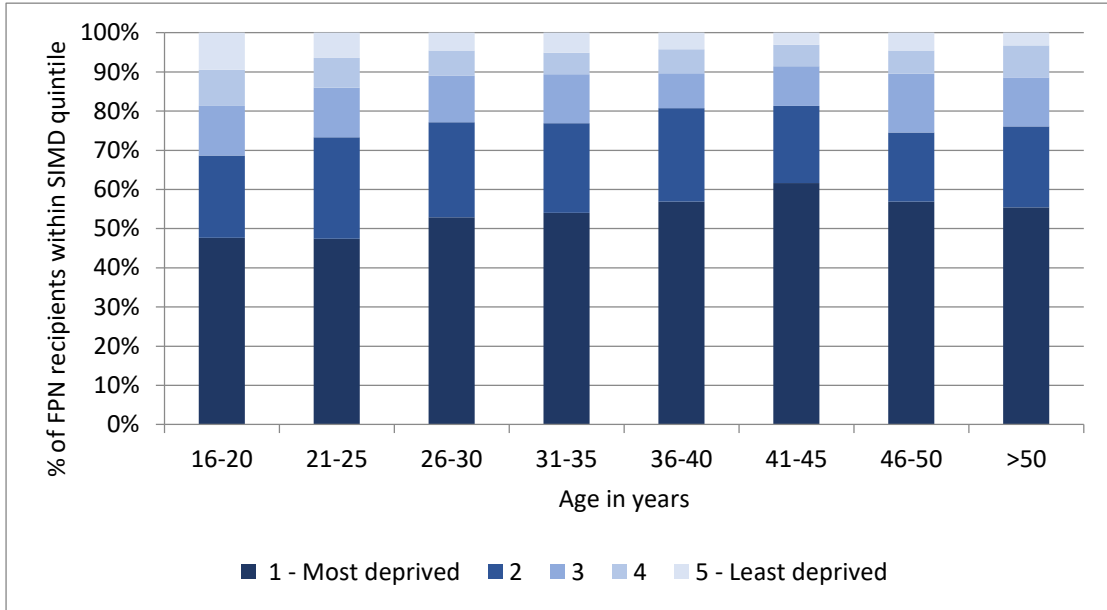


6.2 Deprivation profile of FPN recipients by sex and age

The SIMD profile of male and female FPN recipients was significantly different. Overall, 58.7% of women who were in receipt of at least one FPN were living in the top SIMD quintile (i.e. the 20% most deprived communities of Scotland), compared with 50.6% of male FPN recipients. Along with the finding that female FPN recipients were less likely than men to have had a prior criminal record, this definitely suggests that the policing data may be reflecting some differential impacts of the pandemic on men and women.

There was also a significant difference in the SIMD profile of FPN recipients according to their age. Figure 11 shows the percentage of FPN recipients within each 5-year age band that was living in communities in the five SIMD quintiles. The overall SIMD profile is very similar, in that those in receipt of an FPN at any age were more likely to be living in a deprived community rather than an affluent one. Nevertheless, there is evidence of an age difference whereby people under the age of 25 who received an FPN were less likely than those from older age groups to be living in the 20% most deprived communities.

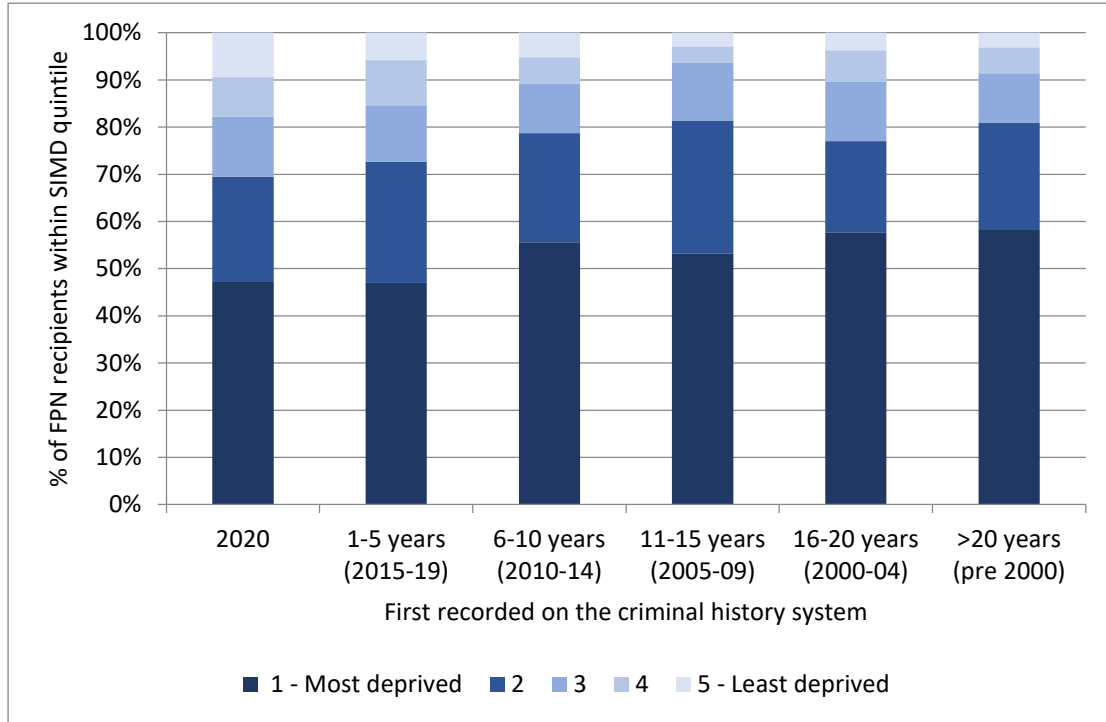
Figure 11: Profile of FPN recipients by SIMD and age



6.3 Deprivation profile of FPN recipients by criminal history

Given that FPN recipients were highly likely to have a criminal history prior to 2020, analysis was conducted to see whether there was any relationship between prior police history and SIMD ranking. Figure 12 shows clearly that there was a strong positive relationship between receiving an FPN for breaching the regulations and living in an area of deprivation, regardless of prior criminal history. Nevertheless, like the profile for age, there is an incremental gradient in the proportion of FPN recipients who were living in the 20% most deprived communities of Scotland according to when they were first known to the police. So, the longer FPN recipients had been known to the police, the more likely they were to be living in the most deprived neighbourhoods.

Figure 12: Profile of FPN recipients by SIMD and criminal history



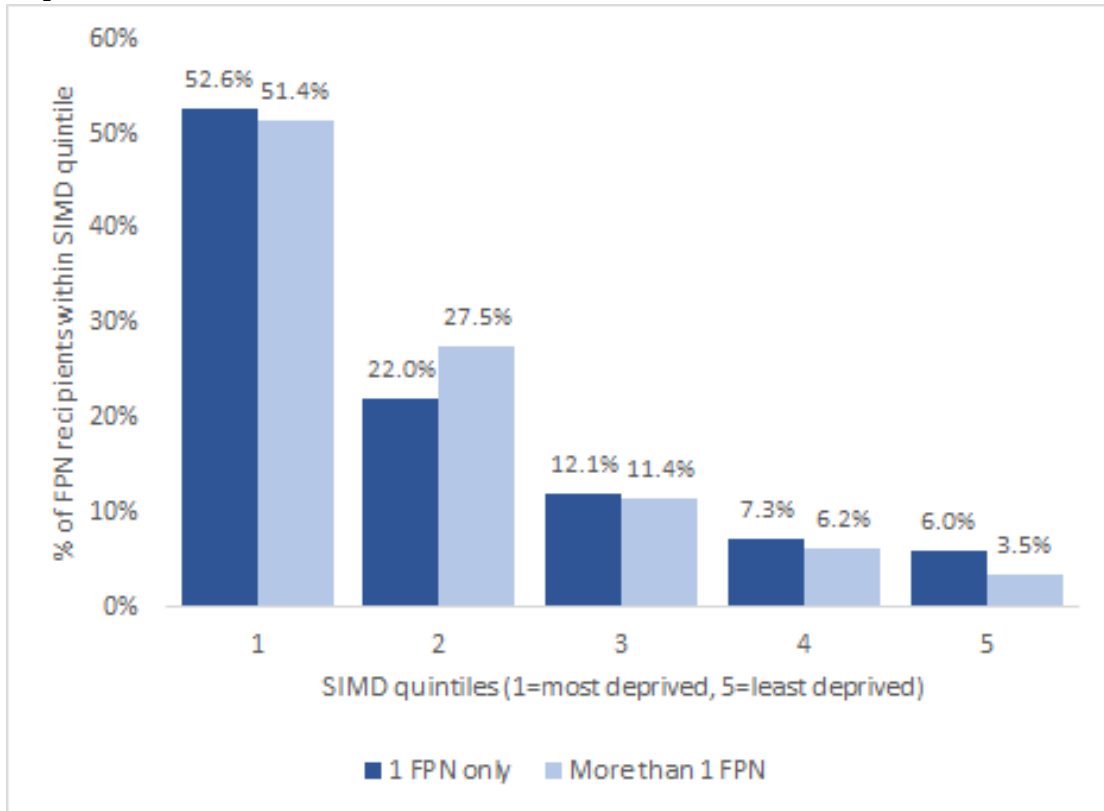
6.4 Deprivation profile of single versus repeat FPN recipients

Comparing the profile of those who received one FPN with those who received two or more, Figure 13 shows that around half of both groups were likely to be living in the top SIMD quintile (i.e. the 20% most deprived communities of Scotland). However, there is very little difference in the proportion of those living in the most deprived quintile, which does not suggest that those who were in receipt of repeat FPNs were any more likely than others to be living in Scotland’s most deprived communities.

The biggest difference between the groups is in the second quintile, where those in receipt of multiple FPNs were more likely to be living in semi-deprived communities compared with those in receipt of only one. Although the proportions are very small, it is also notable that those in receipt of more than one FPN were around half as likely as single FPN recipients to be living in the least deprived Scottish communities. This means that the disparity rate between those living in the most and least deprived communities for single FPN recipients was 8.8 compared to 14.7 for repeat recipients. However, this disparity is explained by repeat recipients being less likely than those receiving only one ticket to live in the most affluent communities, and not by them being more likely to live in the most deprived communities.

While statistically significant, the overall difference in the deprivation profile between the single and repeat FPN recipients is relatively modest in nature. Therefore, we cannot conclude from these findings that there is strong evidence of differential policing practice that increased the likelihood of those from deprived communities being subject to repeated enforcement.

Figure 13: Profile of single and repeat FPN recipients by Scottish Index of Multiple Deprivation



7 Ethnic profile of FPN recipients

7.1 Number of FPN recipients by ethnic group

A Scottish Government report on equality during the pandemic noted that people from minority ethnic groups had experienced the economic effects of the crisis most severely.²⁰ Particular stressors impacting on people from ethnic minority backgrounds include the closure of particular sectors (such as hospitality), unequal access to employment, increases in living costs, lower wages and savings and increased instances of hate crime. Deaths from Covid-19 amongst those from the South Asian community in Scotland were twice as high as deaths amongst white people.

Information on self-reported ethnic group of those who were issued with an FPN was collected by Police Scotland. This showed that 92.4% (n=3,437) of FPN recipients were

²⁰ Scottish Government (2020) The Impacts of Covid-19 on Equality in Scotland. <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2020/09/the-impacts-of-covid-19-on-equality-in-scotland/documents/full-report/full-report/govscot%3Adocument/Covid%2Band%2Binequalities%2BFinal%2BReport%2BFor%2BPublicatio n%2B-%2BPDF.pdf>

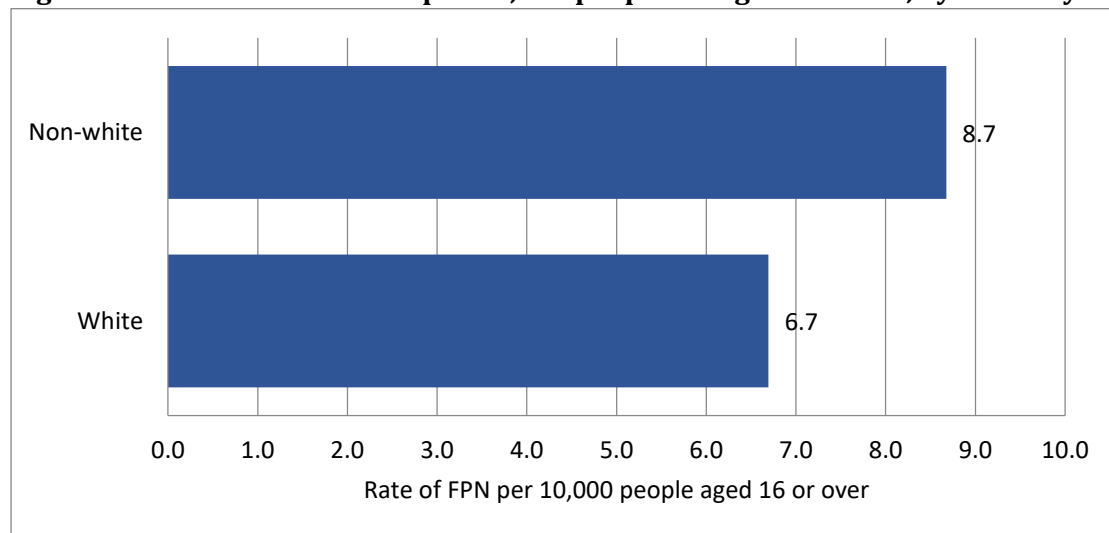
from a white ethnic background.²¹ This is slightly lower than the Scottish population figure for 2020, which is estimated to be 94.3%.²²

Of the remaining FPN recipients, 4.5% (n=169) were from an Asian background (compared with 3.0% of the Scottish population); 1.6% (n=59) were from an African, Black or Caribbean background (compared with 1.1% of the Scottish population); and 1.5% (n=56) were from another mixed or multiple ethnic background (compared to 1.6% of the Scottish population). These figures suggest a slight over-representation of people from non-white ethnic groups amongst those who received an FPN in Scotland. However, as noted at the start of this report, these are small numbers in absolute terms and demonstrate that very few people from any ethnic background were issued with an FPN under the Coronavirus Regulations in Scotland.

Analysis was conducted to compare the rate of FPN receipt for people from different ethnic groups based on population size. A total of 53 people were excluded from this analysis as they were recorded as not being residents of Scotland. While most of these excluded individuals were from white backgrounds, those from a non-white background were over-represented (i.e. 32.1% of FPN recipients who were not resident in Scotland compared to 7.3% of all FPN recipients). This suggests that the slightly higher than expected proportion of FPN recipients from non-white backgrounds, noted above, was at least partly explained by breaches of the Regulations committed by people who had travelled from another country.

Excluding non-residents of Scotland, Figure 14 compares the rate of FPNs issued per 10,000 people aged 16 or over for those from white and non-white backgrounds.

Figure 14: Rate of FPNs issued per 10,000 people living in Scotland, by ethnicity



The rate for those from non-White backgrounds (n=267) was 8.7 per 10,000 people compared with 6.7 per 10,000 White people in Scotland (n=3,401). This difference is

²¹ 65 cases were missing information on ethnicity.

²² Population comparisons and rates by ethnicity were based on estimates from the 2020 Annual Population Survey, provided on request by the National Records of Scotland.

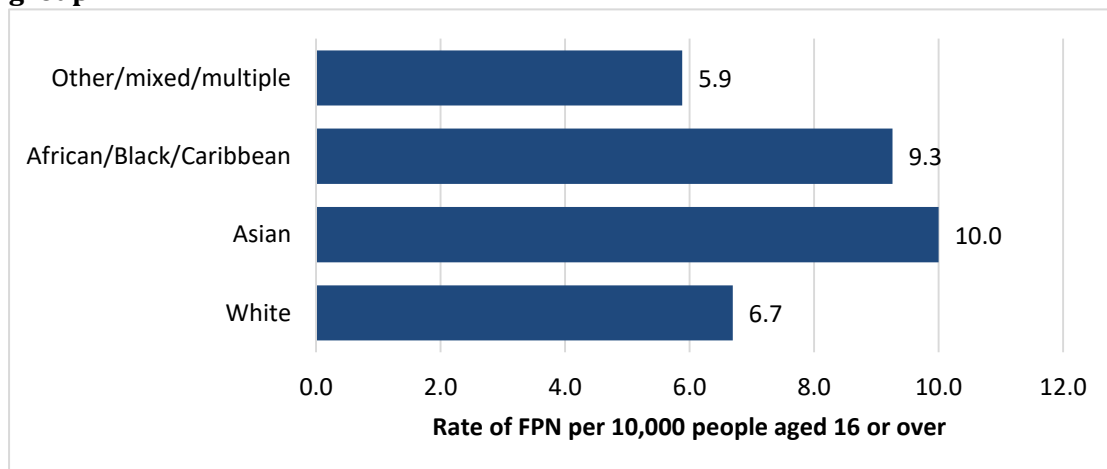
statistically significant although, as already noted, the rates are based on small numbers in absolute terms, so caution should be taken in drawing any inferences from Figure 14. This represents a relative difference - or disparity rate - of 1.3 (i.e. those from a non-white background were 1.3 times more likely to be issued with an FPN under the Coronavirus Regulations than those from a white background).

The most important takeaway message from Figure 14 is that, for every 10,000 people living in Scotland from either a white or non-white background, less than 10 of them received an FPN for being in breach of the Coronavirus Regulations.

It is possible to look in more detail at specific non-white ethnic groups, although even greater caution is required due to the very small numbers. Figure 15 shows that the rate of issue of FPNs, based on population estimates per 10,000 people aged 16 or over within ethnic group, was highest amongst those from Asian backgrounds (10.0 per 10,000 people) and Black, African or Caribbean backgrounds (9.3 per 10,000 people). Note again that non-Scottish residents are excluded from this analysis.

The difference in population rates compared to those from a White background represents a disparity rate of 1.5 for those from Asian backgrounds and 1.4 for those from Black, African and Caribbean backgrounds. These disparity rates are lower than the equivalent disparity rate of 1.8 reported for England and Wales based on data from the National Police Chief's Council.²³

Figure 15: Rate of FPNs issued per 10,000 people living in Scotland, by ethnic group



The difference in the rate of FPNs issued to the three non-white ethnic groups compared to the white population is illustrated in Figure 16. The black error bars determine whether we can be confident at a 95% level that the differences in rates between the

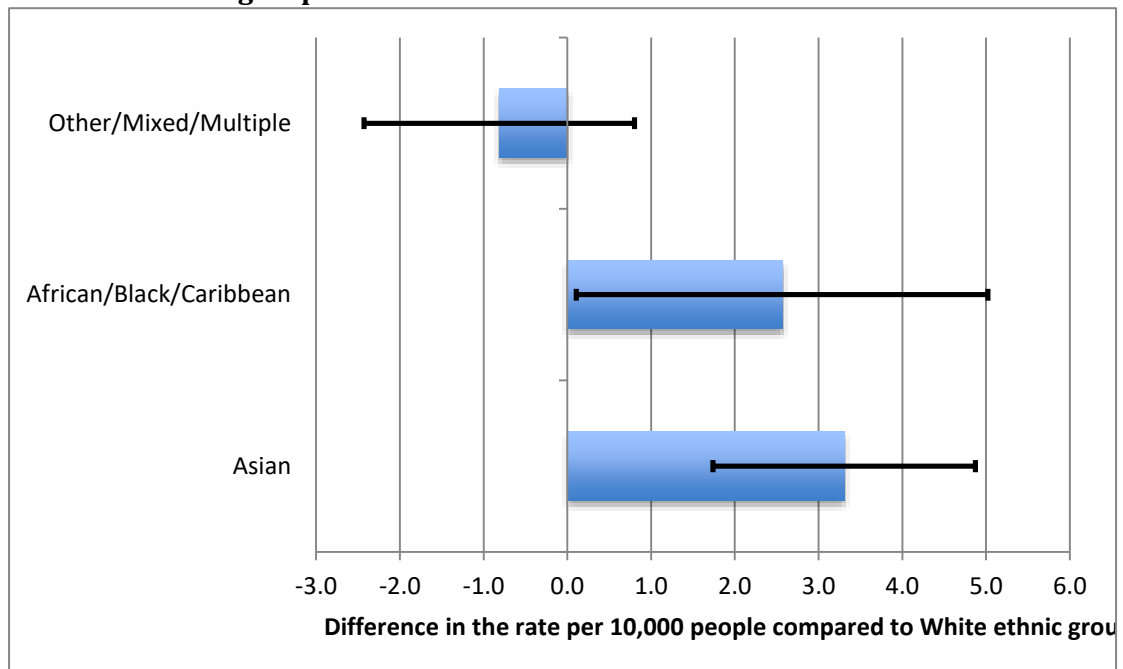
²³ Currenti, R. and Flatley, J. (2020) Policing the Pandemic: Detailed analysis on police enforcement of the Public Health Regulations and an assessment on disproportionality across ethnic groups. <https://news.npcc.police.uk/releases/independent-analysis-of-coronavirus-fines-published> Note that Currenti and Flatley's analysis was based on aggregate data and so repeat FPN recipients were counted multiple times. This means these disparity rates are not directly comparable.

three non-white ethnic groups and the white group are statistically significant (i.e. bars that overlap zero are not statistically significant).

Figure 16 confirms that the higher rate of FPNs issued to those from Asian backgrounds compared to that for white people was statistically significant. The rate for those from Black, African and Caribbean backgrounds was also significantly higher; however, this only just passed the 95% threshold of significance (so any error in the underlying population figures used to calculate this rate could mean that the difference is non-significant). There is clearly no difference in the rate for those from other, mixed or multiple backgrounds with those from white backgrounds.

Again, the over-riding takeaway message is that very few people per 10,000 of the population were issued with an FPN under the Coronavirus Regulations, regardless of their ethnic background.

Figure 16: Comparing significant differences in the rate of FPNs between white and other ethnic groups²⁴



7.2 Sex and age profile of FPN recipients by ethnic group

The sex profile of those from non-white ethnic groups who were issued with an FPN did differ to that for white people. Almost a quarter (24.0%) of FPN recipients from white backgrounds were female compared to only 9.2% of those from Asian backgrounds and 10.2% of those from Black/African/Caribbean backgrounds. These differences (which are statistically significant) indicate that the profile of FPN recipients from Asian and Black, African or Caribbean groups was predominantly male, with women being far less likely to receive an FPN; however, the numbers are small and this profile cannot be

²⁴ The black lines represent error bars which show the 95% confidence intervals for the difference in rates for each ethnic group compared to the white group. Where lines cross zero on the X-axis, there was no significant difference with the White ethnic group.

compared against population statistics. There was no significant difference in the sex profile of those from other, mixed or multiple ethnic backgrounds compared to the white FPN recipients.

The Scottish Public Health Observatory states that minority ethnic groups are younger than the general population of Scotland.²⁵ It is not possible to calculate age-adjusted rates for the FPN data because population estimates for different ethnic groups are not broken down by age. However, the Asian population is the largest minority ethnic group and it is known that the Asian population is younger, on average, than the majority white population.²⁶ Correspondingly, the age profile of FPN recipients from Asian backgrounds was younger than those from white backgrounds. On average, FPN recipients from an Asian ethnic group were aged 28.5 years compared to 31.6 years for those from a white background. Indeed 50.8% of Asian FPN recipients were aged 25 or under compared with 39.8% of white FPN recipients. This difference is statistically significant. Given the highly skewed age profile of those who received FPNs (shown in Figure 4), it is likely that the higher rate of FPNs issued to those from Asian backgrounds is explained to some extent by their younger age profile.

FPN recipients from Black, African or Caribbean backgrounds were also younger, on average, than those from white groups (28.9 years compared to 31.6 years, respectively). This difference was marginally non-significant. The age profile of Black, African or Caribbean people living in Scotland is not published in the demographic statistics; however, a younger age profile might also be part of the reason for the slightly higher rate of FPNs issued to those from this ethnic group.

7.3 Deprivation profile of FPN recipients by ethnic group

As noted in section 6.1, minority ethnic groups are known to have experienced greater economic hardship during the pandemic than those from the majority white population. Analysis was conducted to see whether this might have impacted on the deprivation profile of FPN recipients according to ethnic group. The results reveal a high degree of similarity in the SIMD profile across groups, with the exception of those from Asian backgrounds.

Figure 17 shows the proportion of those receiving an FPN who were living in each of the SIMD quintiles by ethnic group. There was relatively little difference between those from White, African/Black/Caribbean, or Other/Mixed/Multiple backgrounds, with around half living in the 20% most deprived communities of Scotland. However, FPN recipients from an Asian background were more evenly spread in terms of their SIMD profile.

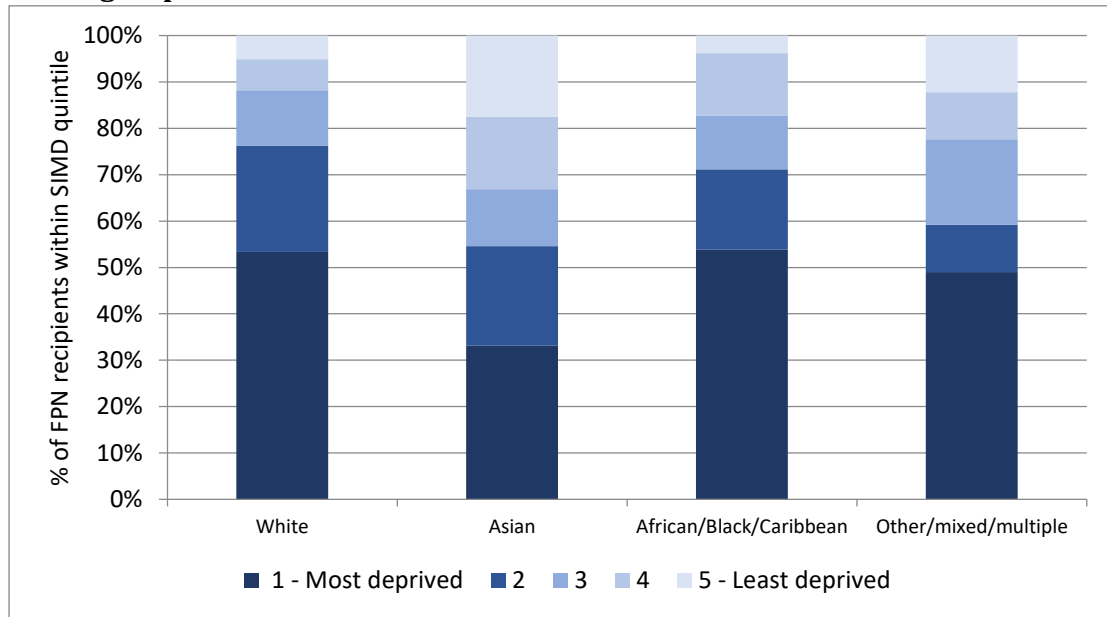
These findings suggest that living in an area of disadvantage was strongly associated with receiving an FPN under the Coronavirus Regulations; however, it does not appear to be a stronger explanation of enforcement amongst those from non-white backgrounds compared to those from white backgrounds. Indeed, for those from Asian backgrounds, deprivation appears to be less of a significant factor in determining whether they received an FPN. Existing research shows that the socio-economic profile

²⁵ ScotPho Website (accessed 18th November 2020): <https://www.scotpho.org.uk/population-groups/ethnic-minorities/key-points/>

²⁶ Walsh, D. (2017) The changing ethnic profiles of Glasgow and Scotland, and implications for public health. Glasgow Centre for Population Health. https://www.gcph.co.uk/assets/0000/6255/The_changing_ethnic_profiles_of_Glasgow_and_Scotland.pdf

of those from Asian ethnic minority groups living in Scotland is less disadvantaged compared to other parts of the UK, which may well explain the pattern in Figure 17.²⁷ However, this implies that living in deprived circumstances may have been less of a driver of non-compliance amongst this group (although SIMD is a geographical measure of deprivation and does not tell us anything about individual or household circumstances).

Figure 17: Profile of FPN recipients by Scottish Index of Multiple Deprivation and ethnic group



7.4 Criminal history of FPN recipients by ethnic group

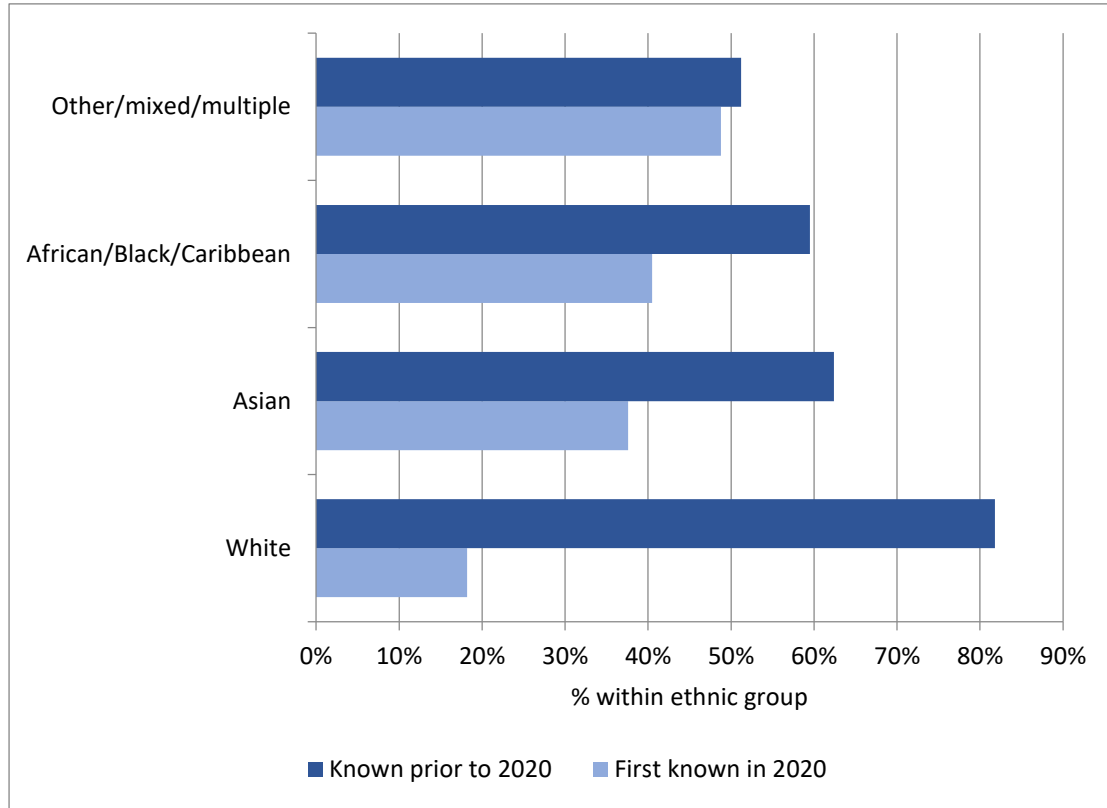
Analysis was conducted to assess the criminal history profile of those who received an FPN according to their ethnic group. Due to small numbers within ethnic groups, analysis was simplified to whether or not the FPN recipient had a criminal history prior to 2020 or not.

Figure 18 shows that there was a significant difference in prior criminal history according to ethnic group. The majority (81.8%) of those from white backgrounds was already known to the police in Scotland prior to 2020; however, this was far less common for those from other ethnic groups. Around six in ten people from Asian (62.4%) and Black, African or Caribbean (59.5%) backgrounds, and around five in ten (51.2%) of those from other, mixed or multiple ethnic groups, had a prior record with Police Scotland prior to the onset of the pandemic. This pattern could be related to country of origin or length of time living in Scotland, but it was not possible to determine if this was the case. It is also possible that some individuals may have had a criminal record from another jurisdiction; however, this was also not known.

²⁷ Walsh, D. (2017) Op. cit.

There is no published information on the extent to which those from different ethnic backgrounds have a criminal conviction in Scotland, so it is not possible to say whether these findings are what would be expected based on the general population.

Figure 18: Profile of FPN recipients by criminal history and ethnic group

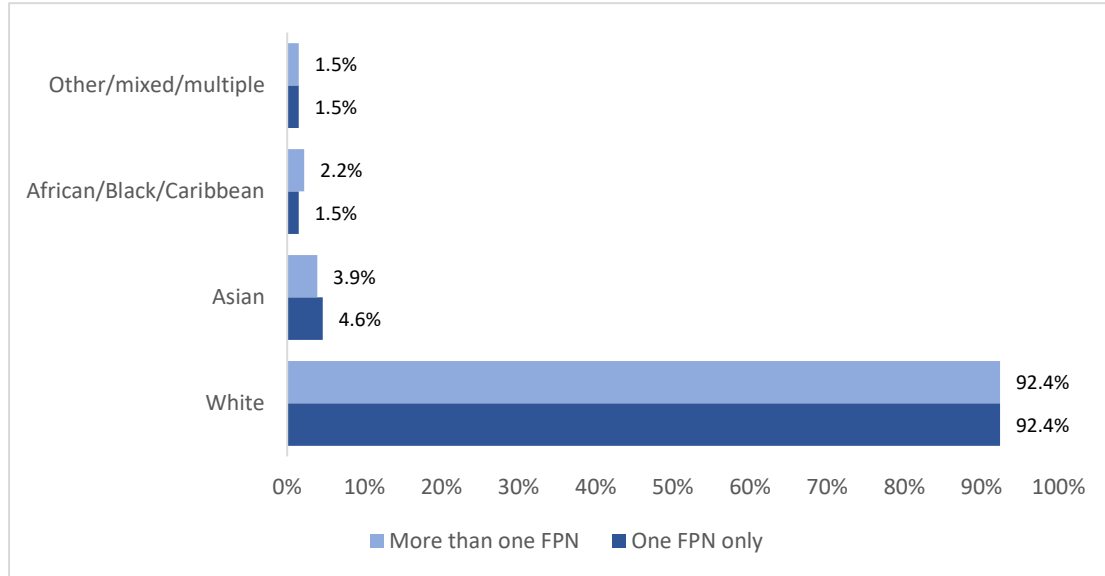


7.5 Ethnic profile of single and repeat FPN recipients

There was no significant difference in the ethnic profile of those who received one FPN compared to those who received two or more. Both groups were overwhelmingly from a white background (92.4% of single FPN and 92.6% of repeat FPN recipients). Figure 19 shows the high level of similarity between the two groups in terms of ethnic background.

This finding indicates that any difference in the likelihood of people from different ethnic backgrounds coming to the attention of the police as a result of the Coronavirus Regulations was not exacerbated by differential policing practice (in terms of issuing repeat FPNs).

Figure 19: Profile of single and repeat FPN recipients by ethnic group



8 Country of birth of FPN recipients

8.1 Number of FPN recipients by country of birth

Little has been reported about the impact of the pandemic within Scotland or the wider UK according to where people were born. However, a cross-comparative study of OECD countries found that immigrants had been affected more severely by Covid-19 than native-born people in terms of infection risks, mortality rates, labour market instability, educational disadvantage, negative communication campaigns and hate crime.²⁸ Moreover, immigrants were found to be concentrated in ‘essential occupations’ that could not be undertaken from home (including domestic services).

A news report by the Huffington Post on the impact of Covid-19 on Eastern European workers in the UK noted that cases had been reported of people who were not key workers being ‘forced’ to work in cleaning, non-essential construction and housing renovation jobs during the initial lockdown period.²⁹ Notably, those from the EU2 countries are by far the most likely of all UK migrant groups to be self-employed (22%

²⁸ OECD (2020) What is the impact of the Covid-19 pandemic on immigrants and their children. <https://www.oecd.org/coronavirus/policy-responses/what-is-the-impact-of-the-covid-19-pandemic-on-immigrants-and-their-children-e7cbb7de/>

²⁹ Huffington Post (12/5/20) First Brexit, Now This: How UK’s Covid-19 Crisis has Hit Eastern European Workers. https://www.huffingtonpost.co.uk/entry/how-eastern-europe-view-uk-pandemic-strategy_uk_5eafb7b7c5b69a79551a0689?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAACwXCtpNgJsAAduExW6doJyXLGmgmoR9GB3pDysSERL8Husi5_RFWZm5Y1KqwGsLv3lv0W8CkgMFBuT8YX982AmhiA5QSJ24m07oatCdY52kxi34auzfx5HrZr5zNC9iVRor3HR5qigwz760XeHvplG00077_khU5ad_1ZyaaFqH

compared with 13% of EU8 and 10% of UK-born)³⁰, which is likely to have placed a particular economic strain on these individuals during lockdown.³¹

Given that these forms of disadvantage may have impacted on the ability or willingness of individuals to comply with the Coronavirus Regulations, self-reported information on country of birth was included in the analysis of the FPN data.³² The majority (84.4%) of all FPN recipients was born in Scotland, while a further 5.5% was born in another part of the UK. This means that 10.1% (n=339) of all those in receipt of an FPN in Scotland were born outside the UK. When these figures are adjusted to exclude those people who were not resident in Scotland, 90.4% of FPN recipients were UK-born and 9.6% (n=317) were born in another country. This proportion of non-UK born FPN recipients is broadly comparable with the population as a whole according to the National Records of Scotland, which reported that 9% of the Scottish population in 2019 was born outside the UK.³³

Of those FPN recipients who were resident in Scotland but born outside the UK, 56.5% (n=179) were born in the EU. This compares with 47% of the Scottish population and points to an over-representation of EU born residents amongst those issued with an FPN. Expressed as a rate per 10,000 people in the population, Figure 20 confirms that those who were born in EU countries were more likely to be issued with an FPN compared to those born in the UK or elsewhere in the world. The relative difference – or disparity rate – in the issue of FPNs between those who were born in the EU and those born in the UK is 1.25, which is statistically significant. However, the equivalent disparity rate between those born in the UK and non-EU born people is 0.85, which is not statistically significant.

It is important to remember that the number of people receiving FPNs who were resident in Scotland but not born in the UK was very small in absolute terms (n=317), and the population figures used to calculate rates are aggregated to a high level (and may contain some degree of error). Therefore, it is important to be cautious when drawing inferences from these very small differences between groups. The main takeaway message from Figure 20 is that for every 10,000 people aged 16 or over in each of these groups who were estimated to be living in Scotland, less than 8 were issued with an FPN for breaching the Coronavirus Regulations during the initial lockdown period.

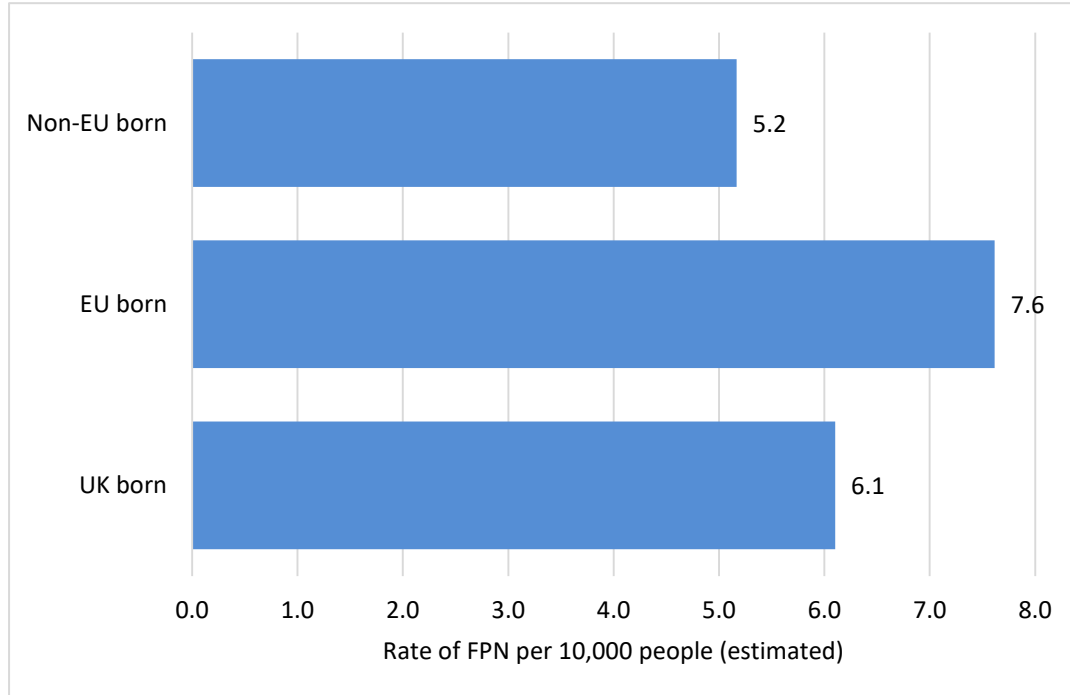
³⁰ The EU-2 countries are Bulgaria and Romania. The EU-8 countries are Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

³¹ Figures taken from Figure 7 on the Migration Observatory website (accessed 18th November 2020): <https://migrationobservatory.ox.ac.uk/resources/briefings/eu-migration-to-and-from-the-uk/>

³² 443 FPN recipients were missing information on country of birth.

³³ <https://www.nrscotland.gov.uk/files//statistics/population-estimates/pop-cob-nat-19/pop-cob-nat-19-report.pdf>

Figure 20: Rate of FPNs per 10,000 people living in Scotland, by country of birth

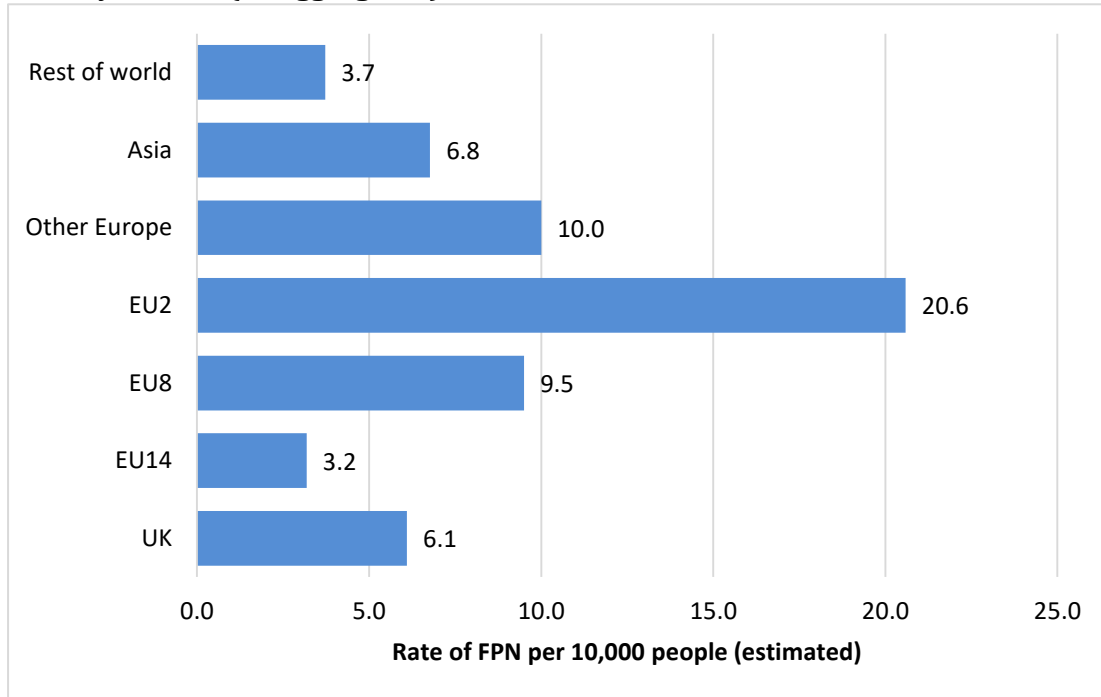


Given the findings of the Huffington Post news report mentioned above, Figure 20 does raise questions about whether all EU-born groups were equally likely to receive an FPN during lockdown. Therefore, further analysis was conducted to explore the underlying differences based on country of birth. This analysis found that the over-representation in rates of FPN issue amongst EU-born people was accounted for by people born in Central and Eastern European countries. For example, 36.3% of all non-UK born FPN recipients were born in EU8 countries (n=115) compared to 24% of the non-UK born population; and 11.0% of all non-UK born FPN recipients were born in EU2 countries (n=39) compared to 3% of the non-UK born population.

Expressed as a rate per 10,000 people within each group, Figure 21 confirms that there was a higher rate of FPNs issued to individuals born in Central and Eastern European countries, especially those from the EU2 countries (Bulgaria and Romania), compared to other parts of Europe. The disparity rate for those born in EU8 countries or other parts of Europe compared to those born in the UK is 1.6, while the disparity rate for those born in the EU2 countries is 3.4. There was only a slightly higher rate of issue to people born in Asian countries, with a disparity rate of 1.1.

Statistical tests showed that, compared to those born in the UK, the rate of FPN issue for those born in the EU8 and EU2 countries was significantly higher and the rate for those born in the EU14 countries (Western and Northern Europe) or the rest of the world was significantly lower. However, there was no significant difference between those born in Asia or other parts of Europe and UK-born people. Despite the significant differences, it is worth reiterating that the number of people from EU2 and EU8 countries that received an FPN was very small in absolute terms.

Figure 21: Rate of FPNs per 10,000 people aged 16 or over living in Scotland, by country of birth (disaggregated)



8.2 Age, sex and ethnic profile of FPN recipients by country of birth

There were insufficient numbers within each sub-group for country of birth to conduct a detailed age and sex analysis; however, it was possible to compare FPN recipients who were born in the UK with those who were EU or non-EU born. Looking first at the sex profile, a significantly higher proportion of FPN recipients who were born in non-EU countries were male (93.3%) compared to those who were born in the EU (81.1%) or in the UK (76.9%). There was no significant difference in the sex profile of those born in the UK with those born in the EU. It is not possible to conclude that there was a sex difference in the issue of FPNs between those born in non-EU countries and those born elsewhere because the profile cannot be compared against population statistics.

There is no publically available data on the age profile of the migrant population in Scotland; however, evidence suggests that the bulk of all foreign immigrants to the UK are aged between 15 and 29 years.³⁴ All else being equal, this might help to explain the higher than expected rate of FPN recipients amongst those born outside the UK. Looking at the average age of FPN recipients, there was no significant difference between those who were UK-born (31.4 years) with those born in the EU (32.3 years) or in another part of the world (31.6 years). There were some differences in the peak age of FPN recipients by country of birth, however. The peak for FPN recipients born in the UK was age 16-20 (21.9% of within-group total), which compared to a peak of age 21-25 for those born outside the EU and age 31-35 for those born in the EU (24.3% and 20.9%

³⁴ The Belgian-based think tank Bruegel estimated that 77.9% of the net number of foreign country citizen immigrants to the UK between 2008 and 2014 were aged between 15 and 29. Website accessed 18th November 2020: <https://www.bruegel.org/2016/06/what-is-the-age-profile-of-uk-immigrants/>

of within-group total, respectively). This suggests that the higher rate of FPNs issued to those born in EU countries is not explained by their age profile.

Not surprisingly, there were differences in the ethnic profile of FPN recipients depending on their country of birth. The majority (96.7%) of those issued with an FPN who were born in the UK were from a white ethnic background, as were those who were born in the EU (86.3%), albeit this figure was significantly lower. However, only 15.8% of non-EU born recipients were white, and the majority (54.8%) was from an Asian background.

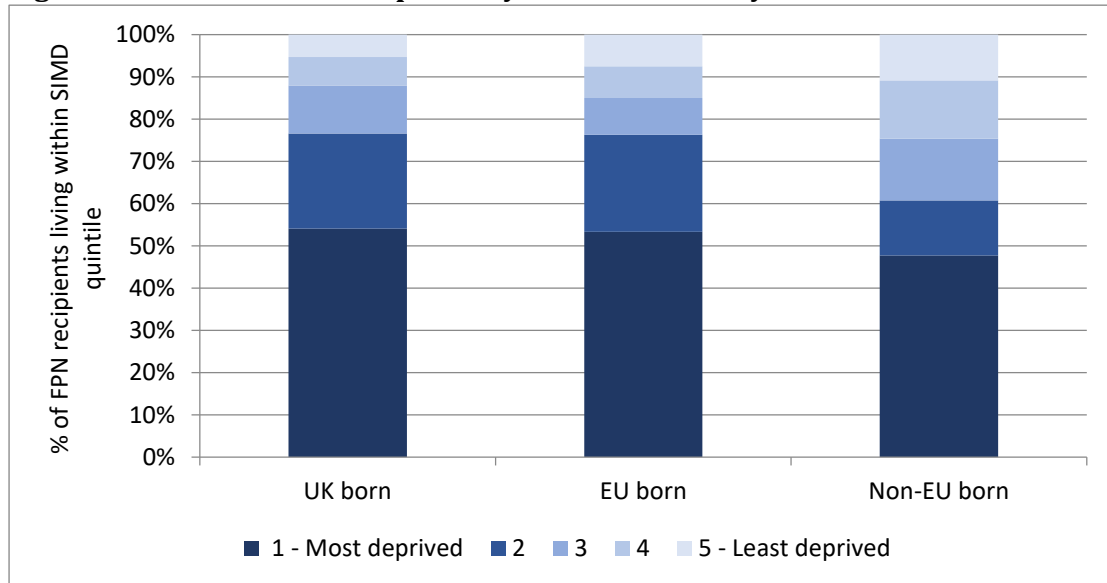
8.3 Deprivation profile of FPN recipients by country of birth

It is not possible from the data presented in this report to say whether variation in the rate of FPNs by country of birth was reflective of a difference in policing practice, as it is just as possible that it reflected underlying patterns of compliance with the Coronavirus Regulations. As noted in section 8.1, there is evidence that immigrants may be experiencing greater levels of economic disadvantage compared to native-born people. To examine this further, Figure 22 shows the profile of deprivation for the three main country of origin groups using the 2020 SIMD quintiles. This reveals very little difference in the profile of FPN recipients who were born in the UK and those born in other parts of the EU, the majority of whom were living in the first or second quintiles of deprivation.

FPN recipients who were born in non-EU countries were a little less likely to be living in the most deprived communities of Scotland compared to those who were UK and EU-born, but they were more evenly distributed across the other four quintiles. This pattern may be explained to some extent by the high proportion of non-EU born individuals from an Asian background, who had a less deprived profile economically (as discussed in section 6.2).

It is important to reiterate that these findings on deprivation relate to the area in which people were living and not their personal or household circumstances; therefore, there may still be a greater element of economic deprivation amongst non-UK born FPN recipients that cannot be identified here.

Figure 22: Profile of FPN recipients by SIMD and country of birth

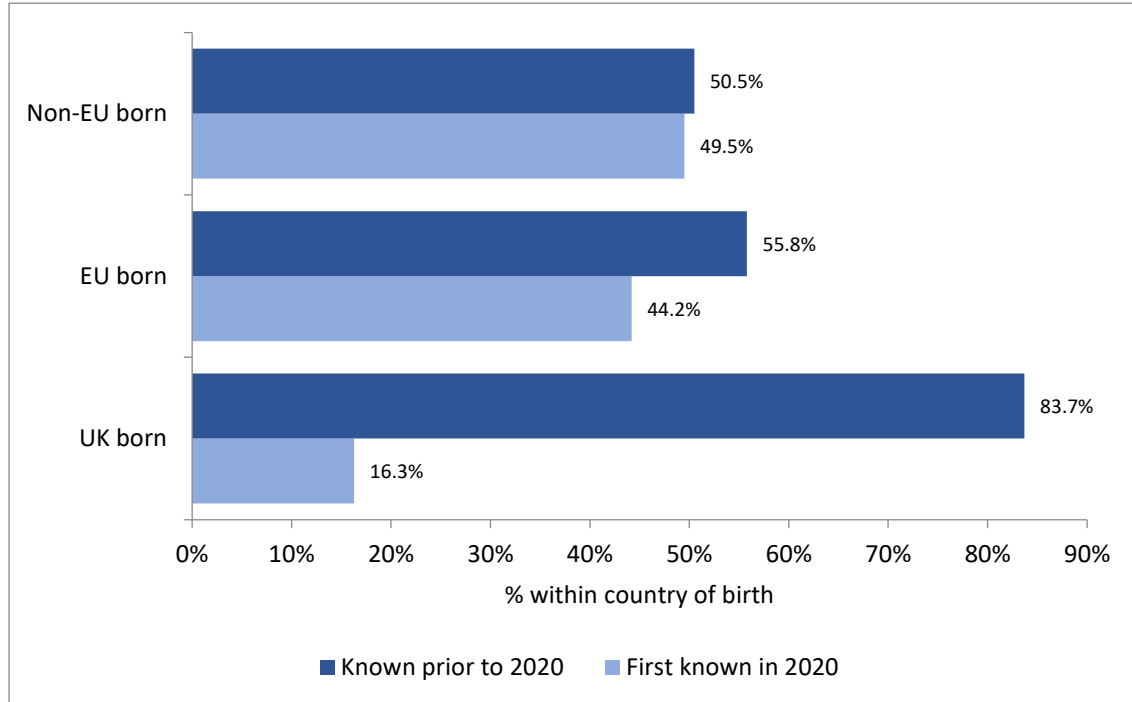


8.4 Criminal history of FPN recipients by country of birth

Information about the country of birth of the offender population in Scotland is not published, so it was not possible to compare the profile of FPN recipients to any other population source. Nevertheless, Figure 23 shows that FPN recipients who were born in the UK were significantly more likely to have a prior criminal history than those born in EU or non-EU countries. Of those who were UK born, 83.7% of FPN recipients were known to the police prior to 2020; whereas this was only true of 55.8% of those born in the EU and 50.5% of those born in another country.

This finding implies that the relationship between prior criminal history and police use of enforcement during lockdown was different for immigrants to the UK. However, a person's criminal history would be dependent on the length of time that an individual has been resident in Scotland, and that information that was not available for non-UK born FPN recipients. In addition, the information on criminal history in this analysis was relevant to Scotland only, so it was not known whether any of those receiving a FPN from Police Scotland had a criminal record in another jurisdiction.

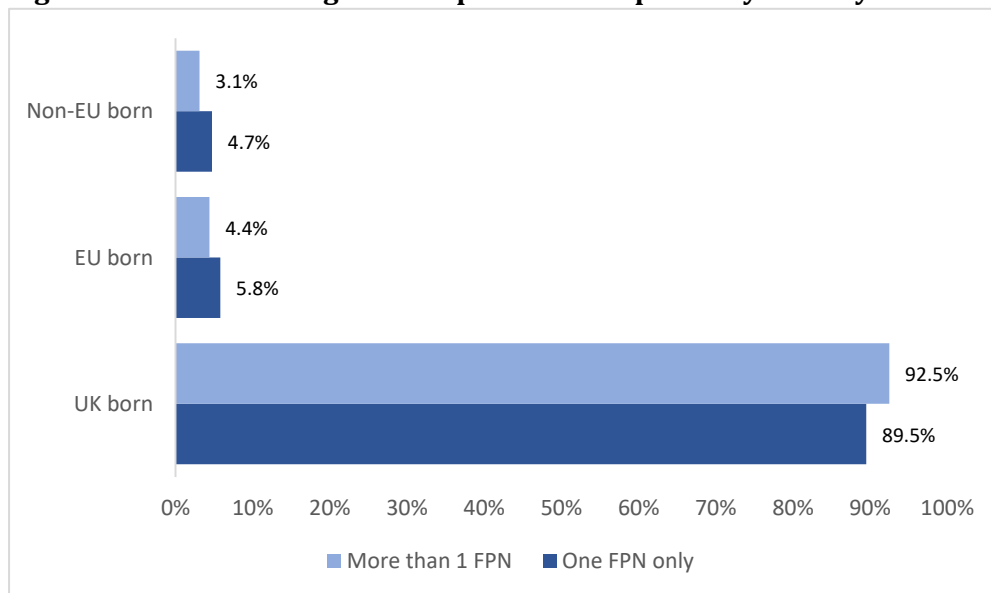
Figure 23: Profile of FPN recipients by criminal history and country of birth



8.5 Profile of single and repeat FPN recipients by country of birth

The percentage of single FPN recipients who were born within the UK (89.5%) was very similar to that for those who received two or more FPNs (92.5%). There was no significant difference in the country of birth for these two groups, as shown in Figure 24. This indicates that any differences in the likelihood of people from different countries of birth coming to the attention of the police as a result of the Coronavirus Regulations was not exacerbated by differential policing practice (in terms of issuing repeat FPNs). In other words, country of birth was not a reason for the police to issue multiple tickets.

Figure 24: Profile of single and repeat FPN recipients by country of birth

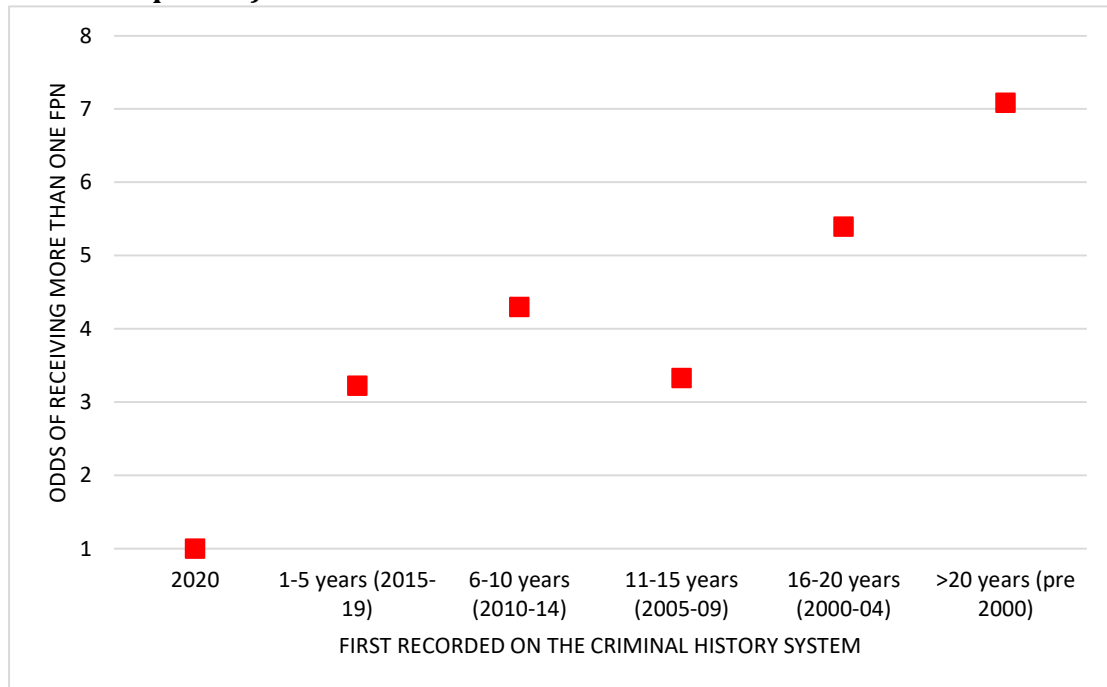


9 Factors associated with receiving repeat FPNs

It is clear from the previous sections of this report that there was considerable similarity, but also some differences, between those who received one FPN and those who received more than one. Therefore, analysis was conducted to test which of these factors had the strongest association with receiving two or more FPNs. This involved the use of binary logistic regression analysis, which allows for the relative strength of different influencing factors to be disentangled and prioritised. The outcome of interest was whether someone received two or more FPNs; and the potential explanatory factors tested in the model were: sex, age band, ethnic group (white, Asian, Black/African/Caribbean or multiple/mixed), country of birth (UK, EU or non-EU), prior criminal history and SIMD quintile.

When controlling for all of these factors, only one variable was significant in increasing the likelihood that an FPN recipient would receive more than one ticket: prior criminal history. Figure 25 illustrates the odds of receiving two or more FPNs (all else being equal) according to when the individual was first recorded on the criminal history system, compared to those who were first known to the police in 2020. It shows that anyone who had a police record prior to the pandemic was significantly more likely to receive more than one FPN. In addition, the odds of receiving more than one FPN got larger as the length of time since the person was first known to the police increased. There was no significant difference in likelihood of receiving a repeat FPN between those known to the police for between 1 and 15 years; however, there was a higher likelihood of receiving a repeat FPN amongst those known to the police for more than 20 years compared to all other groups.

Figure 25: Regression model testing the strength of association between criminal history and repeat FPNs (controlling for age, sex, ethnic group, country of birth and SIMD quintile)



These findings imply a strong association between repeat infractions of the Coronavirus Regulations and a history of offending (which has been reported anecdotally by police officers). However, more would need to be known about the nature and pattern of people’s offending histories, and the motivations of the individual, before further conclusions could be drawn.

Moreover, the strength of the regression model (based on goodness of fit statistics) was modest, which suggests that there are other factors (not included in the analysis) that may have a stronger bearing on the likelihood of receiving more than one FPN. And the model results could have been biased to an extent by missing data on some variables (especially criminal history).

10 Geographical profile of FPN recipients

10.1 Number and rate of FPN recipients across regions and divisions

Police Scotland is divided geographically into three regions (West, North and East). The majority (70.2%) of people who received an FPN for breaching the Coronavirus Regulations in Scotland between 27th March and 31st May committed offences the West region. This compares to 19.3% in the East and 10.8% in the North. This reflects an over-representation of people receiving FPNs in the West (which accounts for 44.9% of the population aged between 16 and 84) and an under-representation of FPN recipients in the East and North (which account for 31.1% and 24.0% of the population aged 16-84, respectively). A very small number of people (n=10) breached the Regulations in more than one region.

Each region is further divided into police divisions, with thirteen in total. Figure 26 shows the geographical profile of FPN recipients according to the police division and region in which the tickets were issued.³⁵ The bars show the number of people who received at least one FPN within each division. More people were issued with FPNs in Greater Glasgow (which represented 30.3% of all recipients) than in any other Scottish division. There were modestly high numbers of people receiving FPNs in some of the other West divisions, although Dumfries and Galloway had by far the fewest FPN recipients. The divisions in the North region were fairly similar in terms of the number of people who were issued with FPNs during this period; whereas, in the East Command area, Forth Valley and Edinburgh divisions had a higher number of FPN recipients compared to Fife and the Lothians and Scottish Borders.

Only 1.0% of FPN recipients (n=38) received FPNs in more than one division, although this represented 9.3% of all repeat FPN recipients. In the previous data report, it was noted that 19.5% of all FPNs were issued to people who were not resident in that division, suggesting a reasonably high degree of cross-boundary travel (which was against the guidelines issued during the first Scottish lockdown).³⁶ The data presented in this report, which is based on people rather than tickets, suggests that there were very few instances where the same individual was subject to enforcement for breaching the Regulations across multiple police divisions.

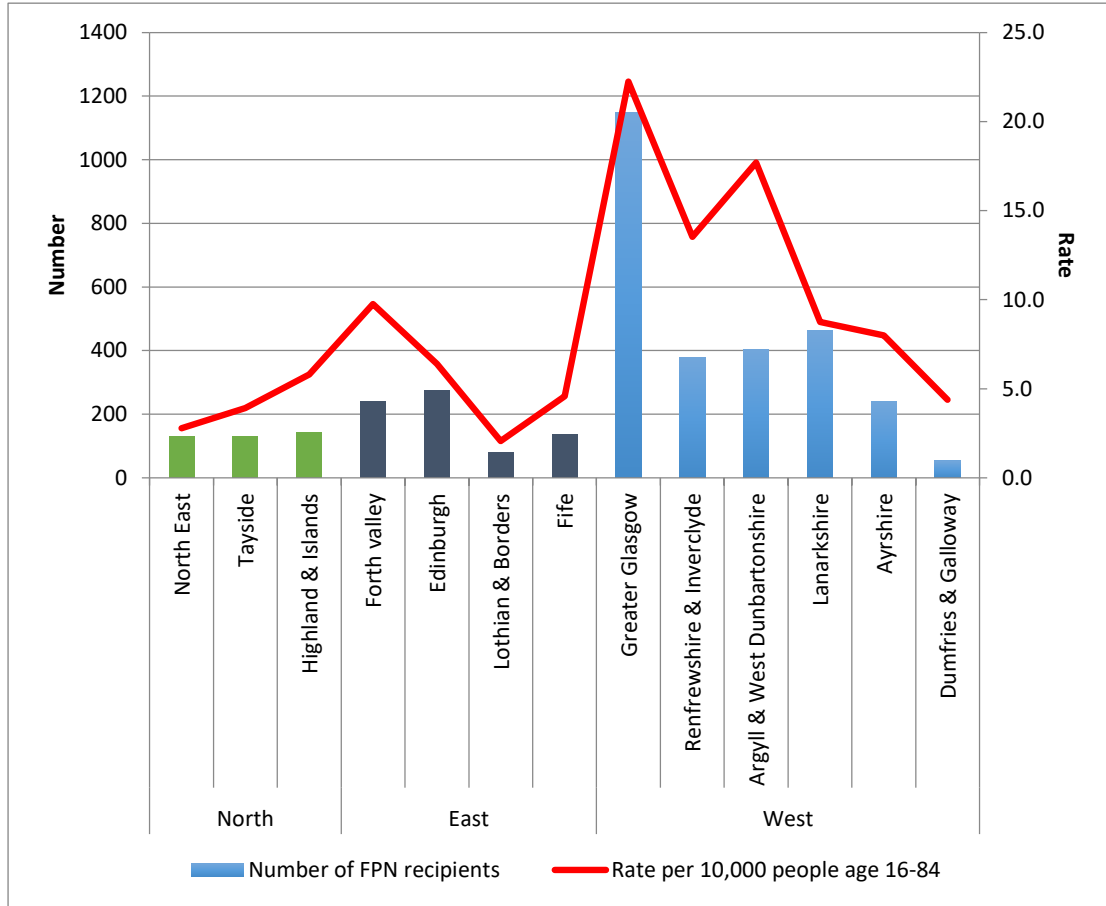
Of course, the number of FPN recipients in each division would be influenced by the population size, so the line in Figure 26 represents the number of people receiving FPNs as a rate per 10,000 people.³⁷ When population size is taken into account, the rate of people issued with FPNs per capita was still highest in the Greater Glasgow division; however, the gap did narrow with respect to some other divisions in the West, especially Argyll & West Dunbartonshire and Renfrewshire & Inverclyde. In addition, while the number of FPNs issued in the Forth Valley and Ayrshire divisions was around half of that issued in Lanarkshire division, the rate of issue was around the same. While the number of FPN recipients in Dumfries & Galloway was lowest overall, the rate of issue was higher than some other divisions, such as North East, Tayside and Lothians & Scottish Borders.

³⁵ Where an individual received an FPN in more than one division, they are counted in each division.

³⁶ See Section 8.3 of McVie, S. (2020). Op. cit.

³⁷ Population rates are based on the Mid Year Population Estimates for 2019, for those individuals aged 16 to 84 (which represents the age range of the FPN recipients). Op. cit.

Figure 26: Number and rate of FPN recipients by Police Scotland division



Taking population size into account, the likelihood of being issued with an FPN for breach of the Coronavirus Regulations was still higher in the West of Scotland (13.6 per 10,000 people) than in the East (5.4 per 10,000 people) or the North (3.9 per 10,000 people). However, the line in Figure 26 shows greater variation within regions than is apparent from the bars, particularly within the East and North. For example, while the number of FPN recipients in the North region was very similar, the rates per capita varied from 2.8 to 5.8 per 10,000 people. Similarly, in the East region, the number of FPN recipients in Edinburgh and Forth Valley divisions were very similar, but the rate per capita was higher in Forth Valley (9.8 per 10,000 people compared to 6.4 in Edinburgh).

These figures suggest a high degree of ‘localism’ in terms of operational policing activity. As noted in the first data report³⁸, it is not possible from these data to establish exactly why there were such differences in the use of enforcement across different parts of Scotland. It could be due to behavioural differences, variation in the level of public adherence to the Regulations or to specific geographical factors relating to the pandemic (e.g. availability of beauty spots and tourist attractions). It could also be due to

³⁸ See Section 3.2 of McVie, S., Morales, A. and Pantoja, F. (2020). Interim report on data for the Independent Advisory Group on Police Use of the Temporary Powers relating to the Coronavirus Crisis. <http://www.understanding-inequalities.ac.uk/sites/default/files/Interim%20report%20IAG%20Police%20Use%20of%20Temporary%20Powers%20related%20to%20the%20Coronavirus%20Crisis.pdf>

differences in levels of public reporting or to policing response to the pandemic (especially during the early weeks of lockdown). Indeed, geographical differences are likely to be due to some combination of all of these factors.

10.2 Profile of FPN recipients across regions and divisions

This section examines the profile of FPN recipients according to their demographic and social profile by Police Scotland region and division. The numbers are too small to break down in detail, so only broad comparisons can be made here. It is not possible to calculate statistical significance in differences between divisions because some individuals are represented in more than one division.

10.2.1: Sex

As noted in Section 4, the majority (77.1%) of all those issued with a ticket during lockdown were male. This was true across all divisions, although the sex profile of FPN recipients did range somewhat, from 64.2% male in the Lothians and Scottish Borders to 81.5% in Greater Glasgow. The proportion of FPN recipients that were male was slightly higher across the West region (78.9%) compared to the East (73.5%) and North (72.3%).

10.2.2: Age

The average age of all FPN recipients was 31.4 years. This was broadly similar across all divisions, ranging from 30.0 years in Fife to 32.9 in Tayside. Looking at the regions, there was very little difference in the average age, from 31.3 years in the West to 31.6 in the East and 31.9 in the North. There were some differences in the proportion of all FPN recipients who were aged 30 or under, which was highest in the North East division (61.8%) and lowest in Tayside (45.5%), but again there was no substantial difference across the regions.

10.2.3: Criminal history

The majority (79.8%) of all FPN recipients was recorded as having a criminal record prior to 2020. This varied somewhat across divisions, but not substantially. The lowest proportion was 74.8% in Edinburgh and the highest was 88.1% in Tayside. Across the three regions there was a high degree of similarity, with 82.1% of FPN recipients having a prior criminal history in the North, compared to 79.8% in the West and 78.4% in the East. If prior criminal history is taken as a proxy for likelihood of non-compliance, these figures suggest that this was a strong driver of enforcement right across the country, which would be in keeping with the 4Es policing strategy.

10.2.4: Scottish Index of Multiple Deprivation

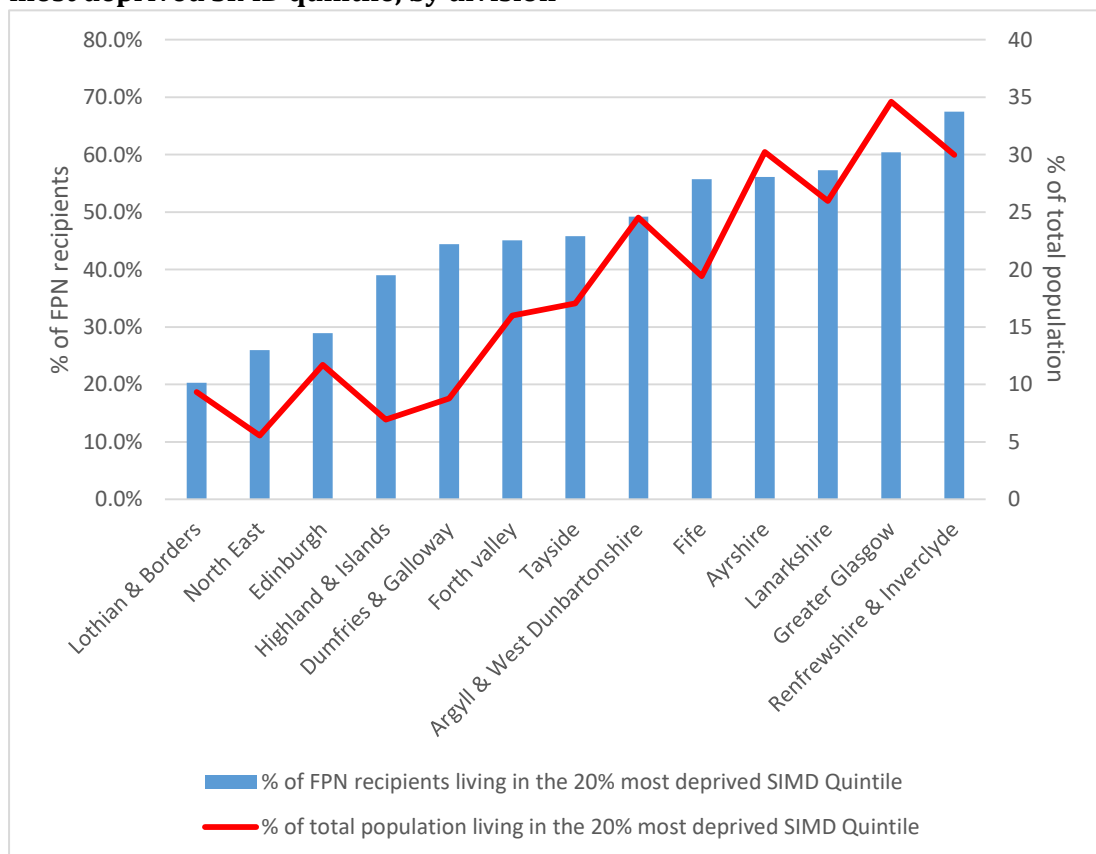
There were substantial geographical differences in the proportion of FPN recipients who were resident in Scotland's 20% most deprived communities. Overall, 52.5% of FPN recipients were living in communities within the most deprived SIMD quintile; however, this ranged from only 20.3% of those issued with a ticket in the Lothians & Scottish Borders up to 67.5% in Renfrewshire & Inverclyde.

Of course, the deprivation profile of FPN recipients would be expected to vary according to the underlying population, so it is important to examine the proportion of all those living in the most deprived areas within police divisions. Figure 27 compares the percentage of FPN recipients and the total population who were living in the top SIMD

quintile communities within each division.³⁹ Generally, this shows a linear relationship, such that divisions with a higher percentage of the population living in the 20% most deprived communities were also likely to have a higher percentage of FPN recipients living in these communities. In other words, the deprivation profile of FPN recipients across divisions generally increased in line with the underlying population demographics.

Having said that, the proportion of FPN recipients living in the most deprived communities was around twice as large, on average, as the percentage of the population living in such communities. This indicates an over-representation of FPN recipients living in the most deprived communities across all divisions. Moreover, the level of over-representation was higher in some divisions than others; for example, Figure 27 shows that those receiving FPNs in the North East, Highland & Islands and Dumfries & Galloway divisions (and to a lesser extent Forth Valley, Tayside and Fife) had a higher than average percentage of FPN recipients living in the most deprived communities than expected based on the total population. Thus, the likelihood of receiving an FPN amongst those living in the most deprived communities did vary across divisions.

Figure 27: Percentage of FPN recipients and total population living in the 20% most deprived SIMD quintile, by division



³⁹ The total population figures living in the top 20% most deprived communities was taken from the most recently published National Records of Scotland population data from June 2019. <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/2011-based-special-area-population-estimates/population-estimates-by-simd-2016>

These differences are also evident when examining the profile of FPN recipients by region. Overall, the proportion of FPN recipients living in the most deprived communities in the East (37.9%) and North (36.9%) regions were much lower than in the West (58.5%). However, the proportion of the population living in the most deprived SIMD quintiles within the three regions was 9.5%, 13.5% and 28.8%, respectively. This suggests that FPN recipients living in the West of Scotland were 2.1 times more likely to be living in one of the 20% most deprived communities compared to the population as a whole; whereas, this figure was 2.7 times for those living in the East and 4.0 for those living in the North.

Again, it is difficult to explain these differential patterns. They could be indicative of different patterns of policing across police divisions or they could suggest that levels of compliance with the Regulations varied within social groups across different Scottish communities.

10.2.5: Ethnic group

The proportion of FPN recipients from non-white ethnic backgrounds varied by division, although this would be expected due to differences in the population profile in different parts of Scotland. Overall, 7.6% of those issued with an FPN during lockdown were from non-white backgrounds; however, this ranged from 1.3% in Forth Valley and 1.6% in Tayside up to 12.4% in Edinburgh and 14.8% in Greater Glasgow. According to the 2011 Census, the cities of Edinburgh and Glasgow had the highest number of residents belonging to ethnic minority groups, so these figures are not surprising (although up to date information for local authorities is not publically available). Across regions, the proportion of non-white FPN recipients ranged from 4.8% in the North to 6.6% in the East and 8.4% in the West.

10.2.6: Country of birth

The country of birth of FPN recipients also varied across divisions. While 9.6% of all FPN recipients were born outwith the UK, it was double that for those issued with an FPN in Edinburgh (20.0%), the North East (20.3%) and the Highland & Islands (21.0%) divisions. Whereas, the proportion of FPN recipients born outwith the UK was much smaller for divisions such as Renfrewshire & Inverclyde (3.6%), Ayrshire (3.9%) and Lanarkshire (4.1%). It is likely that these figures reflect underlying population data (which are commonly driven by migrant labour patterns), but this information is not publically available. Across the regions as a whole, the highest proportion of FPN recipients born outwith the UK was in the North (15.8%, of which 12.7% constituted those born in EU countries).

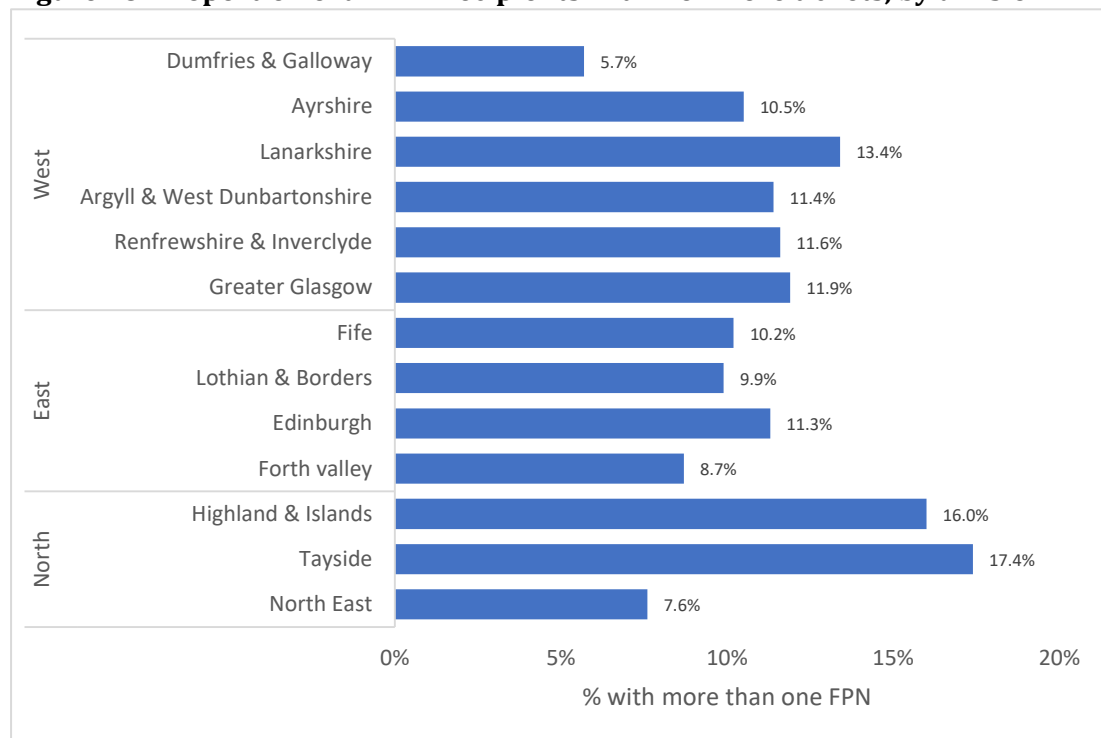
10.3 Geographical profile of single versus repeat FPN recipients

As noted in Section 3.1, 10.8% of all FPN recipients were issued with two or more tickets for being in breach of the Coronavirus Regulations. Looking at this by region, there was a slightly higher proportion of repeat FPN recipients in the North (14.0%) compared to the West (10.9%) and East (10.0%). As expected, the proportion of FPN recipients within each division issued with more than one ticket varied greatly, although numbers were very small in some divisional areas.

Figure 28 shows that the proportion of repeat FPN recipients receiving more than one ticket in Greater Glasgow was not dissimilar to other divisions, which suggests that

sheer numbers of FPNs issued and the rate of FPN recipients were not strong indicators of repeat ticketing. It also shows that the highest proportion of repeat FPN recipients was in Tayside (17.4%) and Highland & Islands (16.0%), while the lowest proportion was in the North East (7.6%) and Dumfries & Galloway (5.7%). It is notable that the two divisions with the highest proportion of repeat FPN recipients had very low numbers overall. It is not possible from these data to be definitive about why these differences in repeat ticketing existed. It is plausible that there may have been differences in the application of the 4Es amongst police officers in some divisions (e.g. a lower level of tolerance for repeat offenders in areas with very high levels of compliance overall). Equally, it is plausible that some people living in divisions where the level of viral transmission was low showed lower levels of compliance with the regulations.

Figure 28: Proportion of all FPN recipients with 2 or more tickets, by division

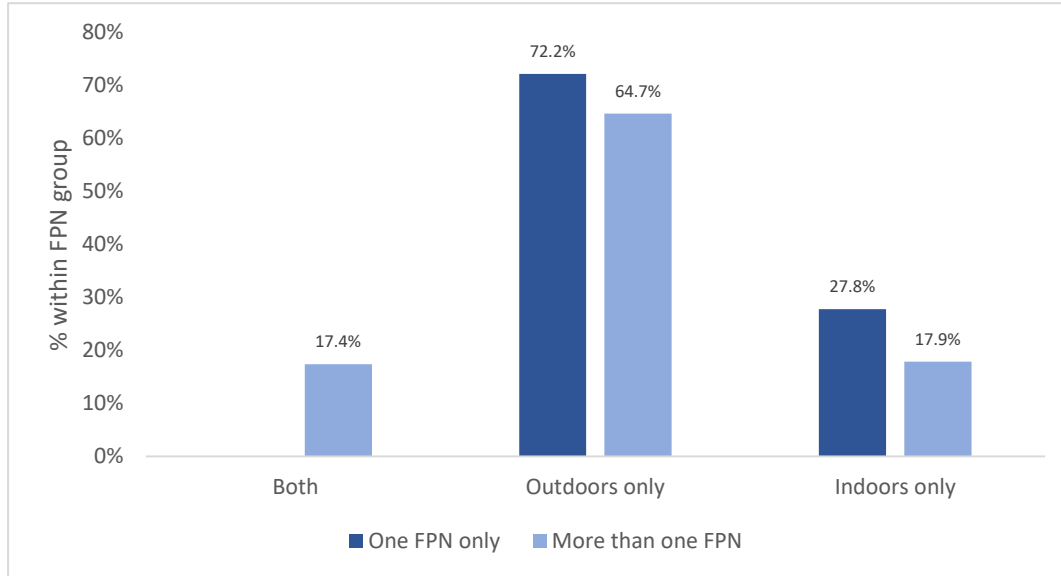


11 Locus of ticket issue by single and repeat FPN recipients

Amongst those who were issued with at least one FPN for breaching the Coronavirus Regulations, 72.2% committed an offence in a public place, while the remaining 27.8% committed an offence in an indoor private place.⁴⁰ Figure 29 shows that the overall profile by locus was similar for those who received two or more FPNs; however, a substantial minority (17.4%) of those who were issued with more than one FPN had committed offences both indoors and in a public place. Overall, therefore, FPNs were far more likely to be issued for breaches that occurred in outdoor locations during this phase of the pandemic, regardless of the number of FPNs an individual received.

⁴⁰ 1138 cases had missing information on the locus of the incident.

Figure 29: Locus of FPN issue for single and repeat ticket recipients



12 Conclusions

This data report contains detailed analysis of the profile of those individuals who received a police Fixed Penalty Notice (FPN) under the Coronavirus Regulations in Scotland during the first lockdown wave (from 27th March to 31st May 2020). It includes an examination of the socio-demographic and geographical profile of FPN recipients and makes comparisons to the wider Scottish population. It also examines differences in the characteristics of those who received a single FPN compared to those who received two or more tickets. The data analysed for this report were provided by Police Scotland in support of the work of the Independent Advisory Group on Police Use of the Temporary Powers during the Coronavirus in Scotland. To date, they are the only UK-based individual level data that have been made available on the use of FPNs during the pandemic.

Overall, the data analysed for this report shows a high degree of discretion in the use of the temporary powers made available to police officers during the pandemic in Scotland, with relatively little recourse to enforcement. Where FPNs were issued, most people received only one, and evidence of multiple breaches of the Regulations was rare. Analysis of the socio-demographic profile of FPN recipients shows that there were distinctive patterns according to sex, age, ethnicity, country of birth, prior criminal history and neighbourhood deprivation. It is impossible to tease out the specific reasons for these patterns, or explain all the differences found, using these data and some areas of further research could yield valuable insights. In particular, a better understanding of the inequalities experienced by those living in the most deprived communities of Scotland, and those with prior criminal histories, could help to identify ways of enabling or encouraging people to comply with public health restrictions.

There are aspects of this analysis that do not provide conclusive results because the numbers are so small or population estimates too uncertain (e.g. in the case of ethnicity and country of origin). However, they do suggest that there are social groups within

Scotland's population that may deserve further consideration in terms of the impact of the pandemic and its consequences for policing practice.

As ever, there are sufficient geographical differences in the scale and patterns of enforcement to suggest that policing in Scotland has an inherently local dynamic that cannot be explained simply by the population size. Prior analysis conducted using the CVI System has shown that there is substantial internal consistency in the use of the different interventions available to police officers. The analysis presented here found that, while there were some differences in terms of the socio-demographic profile of FPN recipients across divisions, the extent of the variation was not so great as to suggest any systematic or widespread disproportionality. The only possible exception to this could be a greater tendency for officers in some divisions to move towards enforcement at a swifter pace than others (especially in those areas where absolute levels of activity are lower); although, without further information on the nature of the breaches encountered, it is not possible to be certain of this.

The key findings from this report are summarised below.

12.1 Overall pattern of police intervention and use of FPNs

Since the introduction of the Coronavirus policing powers, Police Scotland has followed the 4Es approach (i.e. Engagement, Explanation, Encouragement and Enforcement) advocated by the College of Policing and the National Police Chiefs Council. During the initial lockdown period there were 44,296 interventions with the public recorded by police officers, of which only 7.2% involved issue of an FPN. Patterns of intervention across Scotland indicate a high level of discretion in police use of the new powers during the pandemic, with a strong emphasis on informal means of encouraging people to comply with the Regulations and rare use of enforcement.

There were 4,327 FPN tickets issued to 3,786 individuals during the initial wave of the pandemic. This represents only 0.08% of the Scottish population and illustrates that it was very rare to be issued with a fine for breaching Coronavirus regulations. Of those who received an FPN, 10.8% were issued with two or more tickets, but multiple ticketing was very rare in Scotland and no single individual received a fine higher than £480. Nevertheless, a third of the value of all financial penalties was incurred by around one tenth of all FPN recipients.

The average length of time that elapsed between the issue of one ticket and the next during the period studied was 9.4 days; however, around a quarter of all repeat tickets was issued within one day of the prior ticket, and just over one in ten was issued on the same day. This suggests that for a large proportion of those individuals who repeatedly breached the regulations, enforcement did not have even a short-term deterrent effect on their behaviour. This was particularly true during the first two weeks of the lockdown, when around two thirds of repeat FPNs were issued within one day of the prior ticket; however, this declined to around a fifth from week five onwards.

These data suggest that there was a small core of individuals who repeatedly breached the Regulations during the lockdown, but repeat breaches became less common as time went on and the amount of time elapsed between such breaches increased, indicating that there was at least a short term effect of enforcement on people's adherence to the Regulations. However, it is also possible that repeat ticketing patterns may also have reflected improvements in the policing response and an increasingly consistent use of the 4Es strategy as time went on.

12.2 Socio-demographic profile of FPN recipients

The profile of those who received FPNs was predominantly young and male. Rates per capita showing that men were 3.6 times more likely to be fined than women, and 40.3% of all FPN recipients were aged between 16 and 25 compared with 14.7% of the population. There is good research evidence from the UK which shows that young people, and especially young men, have been least likely to comply with the Coronavirus Regulations so this undoubtedly helps to explain the age and sex profile of the FPN recipients. It is not possible from these data to establish if there was any degree of differential enforcement against men and younger people, although the age profile of those issued with FPNs was typical of individuals encountered by police officers during other types of routine policing activities, such as stop and search.

Anecdotal reports from police officers across the UK have suggested that enforcement has most commonly been necessary amongst those who are already well known to the police. This report found that four out of five people receiving an FPN in Scotland had a prior criminal history, and one in five had first come to the attention of the police more than 20 years ago. These figures were higher for men than for women. It is not possible to comment on the offending frequency of these individuals; however, comparisons to population estimates suggest that people with a criminal history were significantly over-represented amongst those receiving FPNs during lockdown. This could well be explained by lower levels of willingness and/or greater inability to comply with the regulations; however, it is also highly possible that those with a criminal history who were in breach of the regulations were more visible, or more likely to be reported, to the police during lockdown.

The Scottish Government has identified that the most disadvantaged people in society – especially women - have been most impacted by the pandemic, and death rates have been highest amongst those living in the most deprived communities of Scotland. This report found that police use of FPNs was also highest amongst those living in Scotland's poorest neighbourhoods. Indeed, people living in the 10% most deprived Scottish neighbourhoods were 11.2 times more likely to receive an FPN under the Coronavirus Regulations than those living in the 10% least deprived Scottish neighbourhoods. It is not possible from these data to explain this discrepancy, which is likely to be due to a complex combination of factors, but it is notable that female FPN recipients and those who were older or had a prior criminal history were likely to be living in Scotland's most deprived communities. Putting the figures into context the numbers were small, with less than 30 in every 10,000 people living in Scotland's most deprived communities being issued with an FPN. Nevertheless, these findings do reflect an additional degree of inequality in the way the pandemic was experienced amongst certain groups of people who live in communities that are already typified by poorer health, economic, educational and environmental outcomes.

Equality monitoring has also demonstrated that people from minority ethnic groups have suffered the worst effects of the pandemic in Scotland. The ethnic profile of those who received FPNs under the Coronavirus Regulations was broadly similar to the overall population profile; however, rates based on population estimates did show a slightly higher likelihood of receiving an FPN amongst those from non-white backgrounds compared to the white majority population. Nevertheless, the actual number of people from ethnic backgrounds who received FPNs was very small in real terms; and the rates per capita indicated that no more than 10 people in every 10,000 from either Asian, African/Black/Caribbean or other/mixed/multiple ethnic groups had

received an FPN. The difference in rates compared to those from a White background represented a disparity rate of 1.5 for those from Asian backgrounds and 1.4 for those from African/Black/Caribbean backgrounds. These disparity rates are lower than the equivalent disparity rate of 1.8 reported for England and Wales.

The socio-demographic profile of those from non-white ethnic groups who received FPNs did differ somewhat to those for white people. It included a higher proportion of people who were male and they were younger on average compared to the white FPN recipients. It was not possible to compare these data to wider population statistics, although it is known that minority ethnic groups tend to have a younger age profile compared to the white majority, which could partially explain the higher rates of FPNs issued to these groups. There was no evidence that the non-white FPN recipients were more likely than those from white backgrounds to be living in the most deprived Scottish communities; indeed those from Asian backgrounds had a more affluent profile based on the Scottish Index of Multiple Deprivation. Moreover, those from white backgrounds were significantly more likely to have a prior criminal history than the other ethnic groups. Therefore, it seems unlikely that any ethnic differences in the likelihood of receiving an FPN were due to factors associated with deprivation or prior police knowledge. The available data does not allow analysis of any difference in policing practice.

Country of birth was also included in the analysis for this report, on the basis that evidence shows substantial differences in the experience of the pandemic amongst migrant groups, especially those from Eastern European backgrounds. Like ethnicity, the overall profile of FPN recipients was broadly similar to the Scottish population based on country of origin, with less than one in ten people being born outwith the UK. However, closer examination revealed that EU-born residents were over-represented amongst those receiving an FPN, and they were 1.3 times more likely to be fined than those born in the UK. Again, the numbers were very small and the rate per capita of FPNs was still less than 10 per 10,000 people amongst those born in the EU. However, rates based on current population estimates indicated that those born in Eastern and Central Europe – and particularly the EU2 countries (Bulgaria and Romania) – were relatively more likely to receive an FPN than those born in the UK. It is not possible to rule out the possibility that small numbers of people born in these countries experienced some differential policing practice; however, this would need to be examined further in the context of wider language difficulties, economic stressors, cultural factors, demographic profile and other factors that may have impacted on both willingness and ability to comply with the Regulations during the initial lockdown.

Like ethnicity, the socio-demographic profile of FPN recipients did vary according to country of birth. FPN recipients born in non-EU countries were overwhelmingly male, while the sex profile of UK-born and EU-born recipients was very similar. Those born in the EU the oldest, on average, while those born in the UK had the lowest peak age compared to migrant groups. There were considerable ethnic differences according to country of birth, especially amongst the non-EU born FPN recipients who were most likely to be from an Asian background. There was little difference between the UK-born, EU-born and non-EU born groups in terms of their Scottish Index of Multiple Deprivation profile, so any differences in likelihood of receiving an FPN did not appear to be related to where they were living. However, there was a difference in terms of criminal history, as only around half of those born outside the UK had a prior police record, compared to more than four out of five of those born in the UK. Overall, these

findings suggest that the higher rate of FPNs issued amongst those born in EU countries was not explained by their sex or age profile, their level of neighbourhood deprivation or their prior criminal history. This supports the earlier proposal that further investigation would be needed to fully understand these differences in FPN rates based on migrant status.

12.3 Comparison of single and repeat FPN recipients

Comparative analysis found both similarities and differences between those who received only one FPN and those who received two or more. There was no significant difference in the sex profile of single and repeat FPN recipients. Nor was there any significant difference between them in terms of their ethnic profile or country of origin. There was a slight difference between single and repeat FPN recipients in terms of their deprivation profile, but it did not suggest that living in the most deprived communities increased the likelihood of receiving multiple tickets. Those who were issued with more than one FPN were older, on average, than those who received only one. However, this may well be explained by the fact that repeat FPN recipients tended to have a longer criminal history than those receiving only one ticket. In fact, almost half of the repeat FPN recipients had first come to the attention of the police more than 15 years previously compared to a third of single FPN recipients. Taking all the available data into account, prior criminal history was the single most important factor that distinguished between people in terms of their likelihood of receiving more than one FPN under the Coronavirus Regulations during the initial wave of the pandemic. This points to a need to better understand the wider characteristics, behaviours and experiences amongst Scotland's known offender population, with a view to identifying better ways of ensuring their adherence to future public health restrictions.

12.4 Geographical profile of FPN recipients

Seven in ten people who were issued with an FPN committed offences in the West region of Scotland, although this is higher than expected based on the population size. Whereas, around two in ten were issued with FPNs in the East and around one in ten in the North, which was lower than expected based on population size.

Across the thirteen Scottish police divisions, there was significant variation both in terms of the number of people issued with FPNs and the rate per capita. Three in ten of all FPN recipients committed offences in Greater Glasgow division, which was the highest of any single division. Lanarkshire, Argyll & West Dunbartonshire and Renfrewshire & Inverclyde also had higher than average numbers of FPN recipients. Dumfries & Galloway and the Lothians & Scottish Borders had the lowest number of FPN recipients. Only 1.0% of all FPN recipients received tickets in more than one division, which suggests that there were very few instances where the same individual travelled across administrative boundaries to commit offences in different places.

Even taking account of population size, there were still considerable differences in the rate of people issued with FPNs across divisions and regions, with rates in the West being considerably higher than those in the East and North. The rate per capita of people issued with FPNs was still highest in Greater Glasgow, although the difference in rates between this and other divisions was far lower than the difference in total numbers. For example, the rate for Greater Glasgow was much more similar to the rates for Argyll & West Dunbartonshire and Renfrewshire & Inverclyde. The rate of people issued with an FPN was lowest in the Lothians & Scottish Borders. Although the rate per

capita was still relatively low in Dumfries & Galloway, it was higher than suggested by the low numbers and similar in scale to Fife and the North East.

These findings suggest a high degree of 'localism' in terms of operational policing activity that is not explained by population size alone. This could be due to behavioural differences, variation in the level of public adherence to the Regulations or specific geographical factors relating to the pandemic (e.g. availability of beauty spots and tourist attractions). It could also be due to differences in levels of public reporting or to the level and nature of the policing response to the pandemic in different areas (especially during the early weeks of lockdown). It is likely that the geographical differences observed are likely to be due to some combination of all of these factors, but it was not possible to explore this further using these data.

Comparison of the socio-demographic characteristics of FPN recipients across regions and divisions suggested some differences in the overall sex and age profile, although these were not substantial. Neither was there a notable difference in the criminal history profile of FPN recipients across divisions or regions. The profile of FPN recipients based on ethnicity and country of birth did vary to some extent across different divisions, which is likely to reflect regional variations in demographic characteristics; however, this could not be verified with reference to local population data as these are not publically available at local authority level.

There were some quite substantial differences in the proportion of all FPN recipients living in the most deprived communities across divisions (from around a fifth in the Lothians & Scottish Borders to two thirds in Renfrewshire & Inverclyde); however, this did tend to vary in line with the general deprivation profile of these areas. Nevertheless, a few divisions did have a higher than expected percentage of FPN recipients living in the most deprived communities, including the North East, Highland & Islands and Dumfries & Galloway divisions (and to a lesser extent Forth Valley, Tayside and Fife). Again, it is difficult to explain these differential patterns without further information. They could be indicative of different patterns of policing across police divisions or they could suggest that levels of compliance with the Regulations varied within social groups across different Scottish communities.

There was a slightly higher proportion of FPN recipients receiving more than one ticket in the North region, which was explained by Tayside and Highland & Islands having the highest overall percentage of repeat FPN recipients (although North East had one of the lowest). It was noted that the two divisions with the highest proportion of repeat FPN recipients had very low numbers overall. It is possible that this may be due to differences in the application of the 4Es amongst police officers (e.g. lower tolerance levels for repeat offenders) in these divisions, but it is also possible that this was due to differences in public compliance in these areas. It is impossible to confirm either of these theories using these data.

Work Plan

The updated Independent Advisory Group Work Plan reflects already agreed actions, what is complete or in place, and planned for future delivery. It is intended to stimulate ongoing discussion about the work required to ensure delivery against the terms of reference. This is an iterative programme, reflecting changes in priorities over time, while leaving sufficient flexibility to address matters urgently when this is required.

The agreed areas of focus are:

- i. The data and evidence required to support the work of the IAG as laid out in the terms of reference, and understanding what the data and evidence is telling us. Data and evidence will: be collated and reviewed; inform recommendations on an ongoing basis; and be reflected in public reporting.
- ii. Delivering and promoting access routes into the group via professional and community networks as well as open access via a public portal, to enable the public and impacted groups to share perspectives and give evidence to the IAG on their experiences. Findings are reviewed; inform recommendations on an ongoing basis; and are reflected in public reporting. Particular attention is paid to ensuring any disadvantaged or impacted groups are able to participate.
- iii. Maximising the use of the professional input and expertise from within and outside the group, to access and review supporting evidence, offer advice, and inform associated recommendations.
- iv. Focus on the human rights implications of the use of the temporary powers.
- v. Set up processes which allow the group to access data and public perspectives to offer advice on a “live” basis, to support the policing response to any changes in lock down and public health guidance.

Work Stream	Actions	Status Update	Current Priorities
<p>Communications – raising awareness of the work of the Advisory Group, establishing access routes into the group for public and stakeholders</p>	<p>Email address for the group to receive communications from members of the public and stakeholders.</p> <p>Citizen Space portal set up for public feedback</p> <p>Website presence and public updates</p>	<p>COVID19IndependentAdvisoryGroup@spa.pnn.police.uk Circulated by IAG members to contacts and stakeholders, and details are available on the IAG website.</p> <p>Launched 1 June 2020, the portal remains open in response to changing circumstances, to allow for ongoing public feedback, and as the work of the group continues.</p> <p>Web updates on the work of the group remain aligned to reports to the SPA. The latest meeting notes are made available online following each report to the SPA Board.</p>	<p>February/March 2021: CYPCS will provide further advice on gathering views from children and young people.</p>
<p>Engagement</p>	<p>IAG members routinely reach out across their own networks to facilitate evidence gathering and support participation.</p> <p>Engagement and information sharing with the National</p>	<p>Members continue to promote participation, via professional and community networks.</p> <p>Alternative access channels are available to help combat digital exclusion.</p> <p>IAG Chair has undertaken engagement and liaison with senior office bearers in the Scottish Police Federation and the Association of Scottish Police Superintendents.</p> <p>IAG Chair attended the June 2020 NISAG meeting, and the IAG is building closer links with NISAG, sharing information where appropriate and strengthening the</p>	<p>Ongoing promotion to continue to gather public and stakeholder perspectives. Continuing review of public feedback, and follow up action to address any gaps in participation.</p>

Work Stream	Actions	Status Update	Current Priorities
Engagement	Independent Advisory Group (NISAG)	<p>Advisory Group’s access to NISAG members’ expertise on equality, diversity and community well-being impacts.</p> <p>5 August 2020 – Article by IAG Chair for Policing professional community, published in Policing Insight. “Policing the pandemic: How Scotland’s IAG led the way on human rights under emergency coronavirus powers”.</p> <p>2 September 2020 - The work of the IAG, including the contribution of the academic community to the work of the group, features in SIPR Annual Report</p> <p>11 September - an invitation to contribute to IAG was extended to COSLA.</p> <p>COSLA, Scottish Community Safety Network, Scottish Government Police Division and the academic community contributed questions for the IAG/ SPA webinars, 30 July 2020 and 5 October 2020.</p> <p>30 October 2020 - Mike Callaghan COSLA Policy Manager attended and contributed to IAG discussions.</p> <p>6 November 2020 – Cllr Kelly Parry, COSLA Community Well Being Spokesperson, and Mike Callaghan COSLA Policy Manager. The perspective from COSLA members is that there has been a good, robust policing response, and that Police Scotland’s approach has their members’ full support.</p> <p>11 December 2020 - Denis Hamill, Chief Data Officer and Calum Dundas, Interim Data Governance Lead from</p>	<p>The IAG will continue to engage with COSLA, to understand ongoing challenges, partnership approaches, and wider local impact of police use of the temporary powers.</p>

Work Stream	Actions	Status Update	Current Priorities
		<p>Police Scotland attended to discuss the Police Scotland Data Strategy.</p> <p>12 February 2021 - Chief Superintendent Eddie Wylie, Scotland Commander, British Transport Police, briefed members on BTP's use of the 4E's approach. He reported extremely high levels of adherence to regulations, and reduced demand due to low levels of transport network use during the pandemic.</p> <p>He highlighted potential challenges around the impact of quarantine regulations; and will liaise further with CYPCS on the work of the BTP Vulnerability Team in safeguarding young people.</p>	
<p>Data and Evidence Gathering</p>	<p>Options, key questions and sources of evidence are identified and aligned with terms of reference. Data gaps are noted where they cannot yet be addressed.</p>	<p>Professor McVie has undertaken additional analytical work, aligning Police Scotland data with SCTS information; and developing work on nominal data, for inclusion in the report to the SPA Board February/March 2021.</p> <p>The IAG receives weekly data updates from Police Scotland OpTICAL Group, providing data on use of the temporary powers, ahead of publication. As new legislation has been enacted and the pandemic response has developed, these updates have been enhanced to include data on quarantine referrals, house parties, travel regulation contraventions, the use of online reporting, and additional context.</p> <p>Interim data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland prepared</p>	<p>February 2021: A second data report is included in the report to the SPA Board February 2021. This will be supplemented by a webinar Spring 2021 (date tbc), to look in more detail at the data and work of the group.</p> <p>Members have re-engaged with community and sectoral partners to provide ongoing</p>

Work Stream	Actions	Status Update	Current Priorities
Data and Evidence Gathering	<p>Engagement with staff and officers in different areas of Scotland to understand staff and officer perspectives.</p> <p>OPTICAL group</p> <p>SWAN Scotland survey</p> <p>Police Scotland "Your Police" and User Experience Surveys</p>	<p>by Professor Susan McVie, reported to SPA Board 19th August 2020.</p> <p>An interim report on data for the Independent Advisory Group was prepared by Professor Susan McVie with assistance from Dr Fernando Pantoja and Dr Ana Morales (20 June 20)</p> <p>Her Majesty's Inspectorate of Constabulary in Scotland ("HMICS"): Independent Advisory Group Report on Interviews with Police Scotland Officers and Staff (June 2020)</p> <p>John Scott, Ephraim Borowski and Susan McVie are members of OpTICAL.</p> <p>Evidence and outcomes considered by the IAG, and reported publicly to SPA board 19th August 2020.</p> <p>Members considered evidence from Police Scotland Strategy and Insight on findings from the "Your Police" and User Experience surveys including Covid-19 response and public confidence measures 7th August 2020.</p>	<p>insight and context, to enhance understanding of policing's use of the temporary powers.</p> <p>February 2021: Any requirement and scheduling of follow up officer and staff interviews, conducted by HMICS, remain under active consideration by the group.</p> <p>The IAG will further consider "Your Police" survey findings, user experience surveys, and public confidence, 16 April 2021.</p>

Work Stream	Actions	Status Update	Current Priorities
	SPA Public Opinion Survey	<p>Members considered evidence from the SPA Public Opinion Survey 31st July 2020, focusing on levels of public confidence in policing, and levels of support for the Police Scotland approach.</p> <p>4 December 2020 – SPA Strategy & Research Lead Martin Smith attended to brief members on the findings of the SPA Public Opinion Survey 3rd Wave.</p> <p>SPA Public Opinion Survey 3rd Wave</p>	
Assessment of Human Rights Impacts	<p>D Quiroz (SHRC) guidance note for the IAG, incorporating relevant human rights provisions, for example, UN Guidance on the use of force by law-enforcement personnel in time of COVID-19 emergency</p> <p>Maria Galli (CYPCS) guidance note for IAG on human rights implications of regulations for children and young people</p>	<p>Scottish Human Rights Commission ("<i>SHRC</i>") Paper to Independent Advisory Group Considering Police Scotland Use of Temporary Emergency Powers: Human Rights Guide to Examining New Police Powers in Response to COVID-19 (Diego Quiroz, June 2020)</p> <p>SHRC paper on Article 11 of EHCR, considered at the IAG webinar 5 October 2020.</p> <p>Children and Young People's Commissioner Scotland ("<i>CYPCS</i>") Briefing: The impact of emergency police powers on the human rights of children and young people in Scotland during the Covid-19 pandemic (Maria Galli, June 2020)</p>	February 2021: The IAG continues to look at the policing of protests in a pandemic with a view to offering further reflections in its final report.

Work Stream	Actions	Status Update	Current Priorities
	<p>Review of Police Scotland Impact Assessment processes</p> <p>Independent Children's Rights Impact Assessment</p>	<p>Police Scotland processes to progress Community Impact Assessments, Equality and Human Rights Impact Assessment, and Child Rights and Wellbeing Impact Assessment were considered by the IAG 6 July 2020, as outlined in the report to the SPA Board 19 August 2020. Members were briefed by CYPSC and considered implications of the CYPSC Independent Children's Rights Impact Assessment</p>	
<p>Drawing in additional expertise</p>	<p>The IAG invites input from a range of academic experts in the field, to inform the group's deliberations. These discussions are more fully reflected in the meeting notes available on the IAG website – IAG public reports</p>	<p>Contributions from –</p> <p>1 May 2020: Professor Steve Reicher</p> <p>4 May 2020: Professor Ben Bradford</p> <p>15 May 2020: Dr Peter Neyroud</p> <p>22 May 2020: Dr Megan O'Neill, SIPR and University of Dundee</p> <p>29 May 2020: Fran Warren and Francesca Gualco, Scottish Government Justice Analytical Services</p> <p>1 June 2020: Professor Roger Halliday, Chief Statistician, Scottish Government</p> <p>15 June 2020: Dr Liz Aston, Director of the Scottish Institute for Policing Research (SIPR)</p> <p>10 July 2020: Cliff Stott, Professor of Social Psychology, Keele University, Policing of Protests and the Pandemic</p> <p>21 August 2020: Dr. Michael Rosie, Senior Lecturer in Sociology, Programme Co Director Nationalism Studies, University of Edinburgh, Policing of Protests and the Pandemic</p> <p>2 October 2020: Professor Steve Reicher, Professor of Social Psychology at the University of St Andrews, Policing and the Pandemic.</p>	

Work Stream	Actions	Status Update	Current Priorities
Drawing in additional expertise		<p>9 October 2020: Professor Ben Bradford, Professor of Global City Policing at the Department of Security and Crime Science, UCL, Policing and the Pandemic</p> <p>30 October 2020 – Joe Griffin, Director of Safer Communities, Scottish Government</p> <p>8 January 2021 – Professor David Mead, University of East Anglia, attended to discuss Policing Protest in a Pandemic.</p> <p>5 February 2021 – Dr Liz Aston, Napier University and Director of SIPR, attended to advise on a potential IAG self-evaluation exercise to consider -</p> <ul style="list-style-type: none"> • The value of group members’ participation from the perspective of their own organization. • What works well and less well from the group’s perspective, and any potential improvements • Any learning from the working of the group with relation to the accountability of policing, stakeholder and public engagement, and the potential for knowledge exchange. 	Members will consider further the scope for a small scale self-evaluation exercise, complementary to any broader external assessment.
“Sounding board” for Police Scotland forward planning and communications	Ongoing role for group members, as representatives of civic Scotland, offering personal and professional expertise, and insight from	<p>Group members had early sight of and offered feedback on refreshed guidance for officers, reviewed to take account of changing legislation and easing of lockdown.</p> <p>The group met with Gold Commander, DCC Malcolm Graham, for an overview of Operation Talla and related discussion.</p>	Ongoing challenges of transition period and understanding the impact of easing and tightening lock down, including local and national restrictions.

Work Stream	Actions	Status Update	Current Priorities
	<p>across their professional and community networks.</p>	<p>1 May IAG meeting – ACC Bernard Higgins (leads Police Scotland strategy and operations on service transition from lock down) attended to support IAG discussions to assist in informing strategy, including Communications.</p>	
<p>“Real time” advice and guidance – to Police Scotland; and to wider stakeholders via professional and community networks</p>		<p>Real time contact with Divisional Commanders was established early in the work of the group, offering a “two-way street” for real time updates to members, and live input to Police Scotland to inform planning and response, and facilitate immediate discussion as required.</p> <p>Regular dialogue has been established between group members and Police Scotland at Executive and Divisional Command level on local policing and public impacts and perspectives, policing local lockdown, and the impact of transition through the Scottish Government’s phased approach out of lockdown.</p> <p>Completed – submission of open letter to Police Scotland from SWAN Scotland.</p> <p>Experience of autistic people of COVID-19 legislation and guidelines Survey May-June 2020 (Dr Catriona Stewart, July 2020). Included as an Appendix to the report to the SPA Board 30 September 2020, with related discussion at the IAG webinar 30 July.</p> <p>Glasgow Disability Alliance. Advice on interactions with disabled people (Temporary Police Powers under</p>	<p>Managing the ongoing challenge of offering advice and support for policing’s response in a developing and “live” situation, and when there may be a time-lag in the availability of supporting evidence.</p>

Work Stream	Actions	Status Update	Current Priorities
<p>“Real time” advice and guidance – to Police Scotland; and to wider stakeholders via professional and community networks</p>	<p>IAG Chair correspondence to SPA Interim Chair</p>	<p>Coronavirus Act); included as Appendix to the report to the SPA Board 19 August 2020. The work of GDA on the impact of COVID-19 on disabled people featured in IAG Webinar discussions 5 October 2020 GDA Supercharged Covid-19 Report</p> <p>14 August 2020- Chief Superintendent George Macdonald, Divisional Commander of the North East (Aberdeen City, Aberdeenshire and Moray) attended the IAG, following the Aberdeen City local lockdown. 11 September 2020- Divisional Commanders, Chief Superintendent Alan Murray, Renfrew and Inverclyde, Chief Superintendent Faroque Hussain, Ayrshire and Chief Superintendent Mark Sutherland, Greater Glasgow attended the IAG to update and discuss with group members the latest issues for local policing teams, and the impact of localised restrictions.</p> <p>18 December 2020 – Police Scotland Divisional Commanders Chief Superintendent Sean Scott, Chief Superintendent Alan Murray and Chief Superintendent Alan Gibson attended to discuss local policing matters and consider the upcoming festive and Hogmanay period.</p> <p>Update February 2021 - Feedback from the IAG public email informs IAG advice to and discussions with Police Scotland on issues of public concern, on an ongoing basis.</p> <p>Sent 13th July 2020 Correspondence IAG Chair to SPA Interim Chair 13 July 2020</p>	

Work Stream	Actions	Status Update	Current Priorities
	<p>on the use of face coverings, and wider application of lessons learnt from policing the pandemic which may have wider application across retail and public services.</p>		
<p>Identify any additional work priorities to deliver against TOR</p>		<p>An initial review by the IAG Chair was undertaken, and reflected in forward planning for the IAG and the Chair's report to the SPA Board 30 June 2020. At the time, areas identified for future focus included Gaps in Powers, and Impact Assessments: Community Impact Assessment, Equality and Human Rights Impact Assessments.</p> <p>Police Scotland processes to progress Community Impact Assessments, Equality and Human Rights Impact Assessment, and Child Rights and Wellbeing Impact Assessment considered by the IAG 6 July 2020, as outlined in the report to the SPA Board 19 August 2020.</p> <p>Consideration of absence of power of entry for smaller gatherings – power now available.</p> <p>It appears that no new powers are being given in relation to travel restrictions introduced in regulations in November 2020.</p>	

Work Stream	Actions	Status Update	Current Priorities
Identify any additional work priorities to deliver against TOR		<p>No further evidence has been identified at this point relating to potential gaps in powers.</p> <p>8 January 2021, the Chief Constable, requested that the Group review circumstances and Police Scotland's approach, further to an instance of forced entry to a household in Aberdeen.</p> <p>Specific cases in which the police have taken action under the regulations will be considered independently in the normal way by other organisations, should there be a prosecution or complaint against the police.</p>	<p>The Group will further consider the general implications for policing during the pandemic and make appropriate recommendations to the SPA Board. Specific cases are noted to the extent that they can be considered and discussed, having regard to the other processes involved.</p>
Public reporting on progress	<p>Verbal report to SPA from IAG Chair 30 April.</p> <p>Written report to SPA board 20 May. Oral evidence to SPA from IAG Chair 20 May</p> <p>Oral evidence from the IAG Chair to the Justice Sub-</p>	<p>SPA Livestream April 2020</p> <p>IAG Report to SPA May 2020 SPA Livestream May 2020</p> <p>Justice Sub Committee on Policing Official Report 9 June 2020</p>	<p>Progressing the work programme, gathering and additional evidence and further analysis, to deliver against the Terms of Reference. A report on data analysis is scheduled for report to the SPA Board February 2021, and a further</p>

Work Stream	Actions	Status Update	Current Priorities
	<p>Committee on Policing 9th June 2020.</p> <p>Written report and / or oral evidence to SPA 30 June 2020, 19 August 2020, 30 September 2020, 25 November 2020, 22 January 2021</p> <p>Webinar - public events with the SPA Board 30 July 2020 and 5 October 2020.</p> <p>Oral evidence from the IAG Chair and Professor McVie to the Justice Sub-Committee on Policing, 23 November 2020.</p>	<p>Authority Livestream 30 June 2020 Authority Meeting 19 August 2020 Livestream Authority Livestream 30 September 2020 Letter IAG Chair to SPA Interim Chair 19 11 2020 IAG Workplan 18 November 2020 Authority Meeting 22 January 2021 Livestream</p> <p>IAG July Webinar IAG October Webinar</p> <p>Justice Sub Committee on Policing Official Report 23 November 2020</p>	<p>IAG report to the SPA March 2021.</p> <p>A further IAG webinar will be scheduled spring 2021.</p>