

BOARD MEETING

30 June 2020

Minute of the Scottish Police Authority Board Meeting held on Tuesday, 30 June 2020 via Video-conference

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

In attendance: Police Scotland
Chief Constable Iain Livingstone
Deputy Chief Constable Will Kerr
Deputy Chief Constable Malcolm Graham
Deputy Chief Constable Fiona Taylor
Deputy Chief Officer David Page
James Gray, Chief Financial Officer
Jude Helliker, Director of People and Development
Kirsty Louise Campbell, Head of Strategy and Innovation
(Item 6)
Superintendent Derek Frew (Item 6)
Kirsty Garrick, Head of People Engagement Partnering
(Item 7)
James Bertram, Health and Safety Manger (Item 7)

Scottish Police Authority (SPA)
Lynn Brown, Interim Chief Executive Officer
Tom Nelson, Director of Forensic Services
Barry Sillers, Director of Strategy, Performance and
Assurance (Item 4)

Independent Advisory Group on Police Use of Temporary
Powers Related to the Coronavirus Crisis

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John Scott QC (Items 4-5)

Susan McVie (Items 4-5)

SPA Secretariat

Catherine MacIntyre, Head of Business Services

Karen Vallance, Committee Co-ordinator

1. WELCOME AND STANDING ITEMS

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

On behalf of the Authority, he extended best wishes for a full recovery to all those who were injured in the attack in Glasgow City Centre on Friday 26 June. He also acknowledged that other Police Officers had been injured on duty during June 2020, wishing them well and recognising on behalf of the Authority the worries constantly faced by families of Police Officers.

The Board **RESOLVED** to:

- **NOTE** no apologies;
- **NOTE** no declarations of interest;
- **ADOPT** the minute of the 20 May 2020 meeting with one amendment highlighted from Robert Hayes;
- **NOTE** the action log and that there were no matters arising;
- **AGREE** that, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Board would consider items 11 - 15 in private for the reasons set out on the agenda.

2. SPA VICE CHAIR'S REPORT

The Vice Chair provided an overview of his report, drawing particular attention to the conclusions reached by the SPA on the performance of Police Scotland during the most severe phase of Covid-19 lockdown restrictions. While the full impact on areas such as non-Covid-19 operations, finance and officer and staff well-being were still to be fully analysed, the SPA were in no doubt that Police Scotland had performed remarkably well in protecting public health and upholding the regulations with common sense and proportionality.

The Board **RESOLVED** to:

- **NOTE** the update

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3. CHIEF CONSTABLE'S REPORT

Chief Constable Livingstone (CCLivingstone) noted he supported and endorsed the comments by the Vice Chair and the service would take time to reflect on the Covid-19 impact on policing. CCLivingstone referred to the paper and highlighted the following additional points:

- Police Scotland continues to investigate the policing incident in Glasgow City Centre on Friday 26 June, and the PIRC enquiry on the discharge of a firearm also continues. He confirmed Officers were on scene within two minutes with armed police arriving thereafter. Officers arrived to a dynamic and traumatic set of circumstances and six people were taken to hospital. He confirmed the incident resulted in the first fatality by armed policing since the establishment of Police Scotland. The incident was not related to terrorism and Police Scotland were not looking for anyone else. CCLivingstone noted his thoughts and wishes were with everyone affected. CCLivingstone paid tribute to the professionalism, service and courage of PC David Whyte and his colleagues. Attacks such as this are disgraceful and deplorable, however he emphasised that such incidents in Scotland are rare.
- CCLivingstone informed the Authority that two other Officers had been injured in a separate incident. A man has been arrested and charged with attempted murder. He reiterated and emphasised that being attacked is not part of the job of a Police Officer.
- CCLivingstone highlighted that Police Scotland had responded to an entirely unconnected assault at Argyle Street, Glasgow, and had investigated murders in Falkirk, Clydebank and Wishaw. Arrests have been made in all investigations. He confirmed that Police Scotland are conducting a joint investigation with the Scottish Fire and Rescue Service into fatal fires in Airdrie and Paisley. He extended condolences to the family, offering support to them and Officers who attended the scene.
- CCLivingstone thanked the public for the overwhelming response and messages of support for policing.
- As previously reported, CCLivingstone indicated that some people are not safe in private or virtual spaces. Supporting these people during the pandemic has been a priority and Police Scotland have worked with other partners and organisations to ensure they are given the right support. Officers and staff in the internet investigations unit have used specific skills and research to support

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enforcement action in local policing divisions. This has resulted in arrests of over 100 offenders and has protected vulnerable children.

- Police Scotland have deployed a number of officers into Glasgow for protests and demonstrations. While Police Scotland support the right to exercise freedom of speech and freedom to protest, people must equally exercise personal responsibility when there is a public health emergency. As per public health guidance, people are encouraged to exercise their rights in safe ways and large gatherings should not take place. CCLivingstone confirmed that where unlawful gatherings occur, the response will remain proportionate, but hate crime, violence and disorder will be met with a robust policing response. He highlighted the implications on services to communities when a significant policing response is mobilised and requested planners consider this impact when organising events.
- CCLivingstone noted that Brexit preparations continue within Police Scotland and ACC Williams chaired a multi-agency Brexit planning meeting in May. Planning work also continues for the COP26 Conference.
- CCLivingstone recognised the contribution from both Special Constables and Youth Volunteers and thanked them for their work and dedication.
- Two new Assistant Chief Constables join Police Scotland in early July and seven candidates have also been identified for promotion to the rank of Chief Superintendent. As a result of the new ACC appointments, portfolios will be refreshed and the Authority will be advised of any changes.

In discussion the following matters were raised:

- With regards to hate crime, CCLivingstone advised that reports are monitored closely but there has been no significant rise during the recent period of protests. He highlighted that mutual trust and relationships have been built over the years with communities and partners, and Police Scotland work with them on a continuous basis.
- Members referenced public commentary on public order tactics and sought further assurance. CCLivingstone responded that some commentary is uninformed and based on speculation. He noted the failure to recognise that in the midst of legitimate protests there may be groups who seek to infiltrate them. DCC Kerr (DCC Kerr) agreed that a significant police operation took place at protests held on 20 June as a small number of groups were looking to exploit legitimate protests. He emphasised that all protests are policed in a

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proportionate and lawful way. Currently there is a crowded landscape in terms of demonstrating and while people have a right to have their voices heard, they should do so in a way that does not cause risk to the public. DCC Kerr urged caution against using uninformed language to describe protests and the policing of them, as this can be reflected in the responses to officers.

- CCLivingstone highlighted that compared to previous years, there is not a leader or aligned group within each demonstration and the increase of disparate groups creates difficulty in trying to get structure and agreement.
- Members noted that Police Scotland provided clear and consistent messaging to both the public and staff during the lockdown period and highlighted the importance for that to continue during the recovery phase.

The Board **RESOLVED** to:

- **NOTE** the update.

4. CORONAVIRUS RESPONSE

4a. POLICING RESPONSE TO COVID-19

CCLivingstone reiterated the three fundamental criteria which Police Scotland should be assessed against when looking at the Covid-19 response: how the work of officers and staff to support physical distancing has helped reduced the mortality rate; maintaining and enhancing the strong relationship of trust and policing by consent in Scotland; and the ability to help the health, welfare and safety of staff, officers and their families. He confirmed engaging and educating would continue as the main approach taken, with enforcement being the last resort. It was acknowledged that there will be individual cases where the force could have done better however that was expected when new legislation is implemented overnight.

CCLivingstone noted that the Health and Safety Executive confirmed that they were satisfied procedures for breath testing were appropriate and no further action would be taken.

DCC Graham (DCCGraham) referred to the paper and highlighted the following additional points:

- Police Scotland is prepared for an increase of public contact with new easing of restrictions. It is anticipated there will be a role for policing when the hospitality sector opens.

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- There has been an accelerated change of the resources profile to react and respond to the change in restrictions and other demands, such as protests.
- An internal Strategic Oversight Board to ensure the service understands the longer term challenges arising from Covid-19 has been established which seeks to build on the positive changes which have been accelerated since March. The work of this Board will be reported to the Authority.
- There are lower levels of absence now than at the start of the pandemic. It is believed this is partly due to PPE being provided and wellbeing support available.
- Police Scotland continue to work in partnership with other organisations, Local Authorities and Health Boards to coordinate the ongoing response.
- Work continues to record public confidence levels in Police Scotland during this time and it has been observed that confidence in policing has increased at times of acute demand. The service has in place sound internal assurance measures on service delivery and performance reporting. DCCGraham noted he has been consistently assured that internal measures are in a strong place.

In discussion the following matters were raised:

- With regard to international travel regulations, CCLivingstone confirmed that details provided by the public when they arrive in the UK are not provided to Police Scotland. Therefore potential involvement is only when something is highlighted during the course of other policing duties.
- With regard to the management of workforce availability, CCLivingstone confirmed that many officers and staff were available on front facing roles however this cannot be sustained due to people requiring leave and rest. Pieces of work had been paused at the start of March to maximise the level of front facing staff. This will greatly inform the Strategic Workforce Plan and the fast realignment of the service brings lessons learned which will be analysed. It was noted that the commitment of staff means that leave has to be actively managed, and the Resources Committee would monitor that.
- CCLivingstone was asked to provide comment on the role of CAM. He responded that the restructuring of C3 is one of the central enablers of the single service to avoid duplication and poor practice. The implementation of CAM was accelerated as a result of Covid-19 therefore there is a consistent model across Scotland and every call

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is given a specific assessment to ensure that caller needs are met. He highlighted C3 was also at the heart of the policing response to the critical incident on Friday 26 June.

- The Vice Chair noted that the public are now accustomed to seeing more officers in communities and questioned what the next stage will look like. CCLivingstone responded that Police will do more of what they did previously as society returns to normal. The visibility of vehicles and officers on foot might proportionally be less due to officers being deployed across all policing demands in which the public space is just one. Resources need to be deployed to discharge all policing responsibilities.

The Board **RESOLVED** to:

- **NOTE** the update.

4b. FORENSIC SERVICES UPDATE

Tom Nelson (TNelson) referred Members to the paper, highlighting:

- Changes have been made to the estate to respond to changes in guidance.
- Forensic Services had moved to Phase 2 and continued to work closely with Police Scotland and the Crown Office. Further work will be undertaken to look at the new ways of working within Forensic Services.
- Work continues to progress Forensic Services 2026, and towards new UKAS assessments.
- TNelson paid tribute to staff for their commitment during the pandemic. He thanked Police Scotland ICT, procurement and health and safety teams for their assistance.

The Vice Chair requested that future papers detail the changes in working practices Forensic Services would like to see embedded going forward, in terms of working relationships with Police Scotland and the Crown Office.

The Board **RESOLVED** to:

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

Future public paper to detail changes in working practices which Forensic Services would like to see embedded going forward, in terms of working relationships with Police Scotland and the Crown Office.

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4c. OVERVIEW OF SPA PUBLIC OPINION SURVEY RESULTS DURING COVID-19

Barry Sillers (BSillers) referred Members to the paper and highlighted:

- The survey had been undertaken in two waves, each of approximately 1500 from a pool of 28000 respondents. The size of pool allows SPA to continue to survey without duplicating any opinion.
- The 28000 pool ensures that results are representative of the adult population of Scotland by geographic, age, gender and socio-economic groups.
- The survey is a stand alone piece of work commissioned for a purpose but designed to be a comparator against the Scottish Crime and Justice Survey and YouGov Great Britain surveys in 2020.
- The two reports previously published are technical reports and only reflect analysis by SPA staff. Following discussions, it was agreed that external evaluation be sought of the SPA analysis and that the reports be made available publicly in an accessible format.
- Results of the independent analysis came to the same conclusions as SPA. The Independent Advisory Group's report is also consistent with the survey conclusions.
- The survey reports that public confidence, public compliance and the public support for the approach taken by Police Scotland was high. Public support for tougher measures in Scotland was higher than the rest of Great Britain.
- One wave of surveying is still to be utilised. It is proposed to wait until Phase 3 or 4 of the easing of restrictions, but to increase the number of people surveyed to allow disaggregated data of three key areas: areas of deprivation, those living with disability or carer responsibilities, and opinion and experiences from minority and ethnic groups.

DCKerr reflected on Police Scotland surveys, noting response levels remain consistent and align with SPA results. Responses to recent surveys are higher than for any previous survey. Police Scotland have established an internal Public Confidence Governance Board that will report to the Senior Leadership Board to ensure any concerns around public confidence are shared at the highest level.

The Board **RESOLVED** to:

- **NOTE** the update.

5. INDEPENDENT ADVISORY GROUP ON POLICE USE OF TEMPORARY POWERS RELATED TO THE CORONAVIUS CRISIS

John Scott QC (JScott) provided an overview of the appendices within the report and highlighted the following:

- The public portal went live at the start of June 2020 and 50 responses have been received so far. There have been no responses from children or young people. The Children's Commissioners Office is helping to promote the portal.
- HMICS has assisted in putting together interviews with Officers which have been cross-referenced with interviews from the public. Further interviews may take place.
- OpTICAL group membership includes several members of the IAG and work is being progressed well.
- Scotland remains ahead of other jurisdictions in undertaking independent assurance work, with the benefit of real time work.

Susan McVie (SMcVie) provided a summary of Appendix F, highlighting:

- The OpTICAL group provides critical work on data gathering. The Coronavirus Intervention System established by Police Scotland is the only such system in the UK. The small number of enforcements and large number of engagements with the public helps the group understand how policing has adapted.
- The report looks at what happened in lockdown, however it is useful to reflect on the pressure and challenges placed on Police Scotland. There were inconsistencies of practice across divisions at the start of lockdown but the use of enforcement has substantially declined. The overall picture is a positive one.
- Comparisons in the use of fixed penalty notices with England and Wales have been noted, with Scotland sitting mid-range.
- Complaints data indicated that levels during lockdown were similar to March 2019. However a higher number of complaints were able to be resolved with front line explanations, assurances or apologies.
- The views of people who had come into direct contact were split between those thinking the police had done too much, and those thinking that they had not enforced strictly enough.
- The group continues to seek views from BAME communities and disability groups.
- The next phase of analysis will focus on people who have had experience of enforcement, and how policing has affected children and young people.

In discussion the following matters were raised:

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- Members sought the group's view on policing discretion and how it has played in the public interest. JScott responded that public surveys suggest there was an increased demand for greater enforcement, such as large gatherings being broken up. However it was instructive to see what happens when that does occur and there was a balance to be struck. Recent protests are a good example of determining the appropriate balance of rights and it is a matter for the Chief Constable to prioritise legislation. It is the group's view that the service is achieving this balance well.
- Members questioned whether there would be any attempt to encourage more responses to the portal. JScott confirmed group members are still surveying members of the public through their own networks, and the portal has been widely advertised across social media.
- Matt Smith, Chair of the Complaints and Conduct Committee, encouraged future discussion with the Committee with regards to complaints and use of Front Line Resolution.
- Members sought further information on right of the child. JScott responded that the legislation was drafted to indicate children aged 16 and 17 could be subject to fixed penalty notices. Representations were made to parliament following discussions between the Children's Commissioner and Police Scotland and an amendment was brought forward.
- Quarantined regulations however have made the same mistake. The report noted the Scottish Governments failure to consult before publication which would have allowed the error to be highlighted.
- DCKerr noted that nothing within the report surprises or concerns Police Scotland. However he noted the group has presented the public portal for reporting public concern and while that is healthy, it has to be managed if responses fall out with the remit of the group.

The Vice Chair noted it was unique to have an independent review done in real time and he undertook to consider how the Authority and stakeholders could have a fuller discussion and analysis of the report.

CCLivingstone thanked the group for the work undertaken so far and also gave thanks to ACC Gary Ritchie for work undertaken through the OptICAL group, noting the output would be used as lessons learned for using data constructively.

The Board **RESOLVED** to:

- **NOTE** the update.

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6. POLICING PERFORMANCE

6a. ANNUAL ASSESSMENT OF POLICING PERFORMANCE 2019/20 AND QUARTERLY REPORT JANUARY – MARCH 2020

The Vice Chair noted it was the intention to focus on the Annual Assessment of Policing Performance rather than the Quarterly Report, which had already been reviewed by the Policing Performance Committee on 28 May 2020. The SPA, in agreement with Police Scotland senior leadership, have produced a comprehensive annual review of policing performance for inclusion within the Annual Report and Accounts, which removes the previous duplication of reporting within the Annual Review of Policing.

CCLivingstone advised Members that the assessment is a revised attempt to focus on outcomes for people and communities, not just a narration of police activity. He emphasised that the report contains information on the early weeks of the Covid-19 response as well as other areas of change.

DCC Taylor (DCCTaylor) referred Members to the report, highlighting the analytical effort had been refocussed, which had been favourably received by the Policing Performance Committee.

Martyn Evans, as Chair of the Policing Performance Committee, advised that the Committee had commended the report noting the balance between success and challenge, and data and narrative. The Committee touched on evidence of confidence in policing and also within C3. Fraud and its detection were areas of concern for the Committee. The Committee requested further detail on the disproportionate number of stop and searches of young people.

In discussion the following matters were raised:

- Members sought information on what analysis has been done on the overall change in demand, and the effect on workforce capacity. DCCTaylor responded that demand is kept under review constantly, with the nature of crime changing as society changes. The Demand and Productivity Unit allows the organisation to understand the nature of demand and the benefits of CAM and how those benefits are reinvested. She confirmed demand profile is an integral part of decisions around workforce mix.
- Elaine Wilkinson, as Chair of Resources Committee, requested that the evidence base supporting Strategic Workforce Planning in relation to demand and productivity data be brought to the next Committee.

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- DCCGraham provided an update in relation to cybercrime and the cyber strategy. He noted that during Covid-19 there has been a substantial rise in cyber-attacks and a 20% increase in fraud reporting in Quarter 1 compared to Quarter 1 last year. Therefore Police Scotland are doing a lot of prevention work, including working closely with finance and banking sectors. Development of the cyber strategy continues and it will look at cyber resilience as well as cyber investigation, response and prevention. He confirmed work was developing to break down figures relating to technology enabled crime and cybercrime.
- Members raised concerns on the increasing number of drugs offences and sought reassurance on police intervention. CCLivingstone confirmed that Police Scotland continue to contribute to the Scottish Government Drugs Task Force, and are keen to do a test of change against the use of naloxone and to look further into the use of etizolam.

The Board **RESOLVED** to:

- **NOTE** the update.

6b. REVISED POLICING PERFORMANCE FRAMEWORK

MEvans referred to the report noting it met expectations. The Policing Performance Committee was encouraged by the collaborative approach taken and the Framework further enabled Police Scotland to hold itself to account. The result will be an improved evidence based, outcome based reporting schedule. Reporting will continue quarterly, aligned to the five strategic outcomes through a streamlined set of progress measures. The Policing Performance Committee endorsed the revised framework.

DCCTaylor agreed it was a collaborative effort with the SPA and thanked those who had contributed.

The Board **RESOLVED** to:

- **APPROVE** the Policing Performance Framework.

7. HEALTH, SAFETY AND WELLBEING

7a. HEALTH AND SAFETY END OF YEAR REPORT AND QUARTERLY REPORT JANUARY – MARCH 2020

DCCTaylor referred to the report and highlighted the following:

- Health and Safety teams are engaged in the response to Operation Talla, but there is also a significant amount of continuing business as usual activity.

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- A response has been received from the Health and Safety Executive with regards to PPE, and the service continues to monitor any changes in public health guidance.

EWilkinson confirmed that a detailed briefing had been considered at the Resources Committee where it was acknowledged significant progress had been made. The Committee were assured by the robust approach taken by health and safety during Covid-19. The Committee highlighted three areas for attention: the increase of RIDDOR figures relating to assaults; the increase in anonymous complaints; and areas with potential risk of Covid-19 impact to business as usual.

In discussion the following matters were raised:

- DCCTaylor confirmed that anonymous complaints are increasing and some are of a malicious nature.
- Lynn Brown (LBrown) highlighted that the Policing Performance Committee has been vocal about joined up work between Police Scotland and SPA regarding custody arrangements. Dip-sampling has been increased and telephone contact has been introduced. The Committee will be kept updated.

The Board **RESOLVED** to:

- **NOTE** the update.

7b. WELLBEING END OF YEAR REPORT AND QUARTERLY REPORT JANUARY – MARCH 2020

Kirsty Garrick (KGarrick) referred to the report and provided a summary.

EWilkinson echoed the positive progress on work towards the wellbeing hub. The Committee's focus was on the drivers for the initiatives and it was hoped the survey would inform the programme of work going forward, the Short Life Working Group will consider the inputs to prioritise how money is invested. The Committee will remain focussed on what informs the measures.

The Vice Chair requested examples of where feedback had led to early intervention and prevention. KGarrick responded that the wellbeing champions are a good route of internal information to the wellbeing team. There are also regular meetings with staff associations and unions for bigger and broader subjects requiring further understanding. Internal People Boards have been established where issues can be highlighted and considered monthly.

The Board **RESOLVED** to:

- **NOTE** the update.

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8. SPA INTERIM CHIEF EXECUTIVE'S REPORT

LBrown provided a summary of the report which detailed activities carried out by the Interim Chief Executive since the previous Authority Meeting. She thanked SPA staff for the work undertaken in relation to Covid-19, and also to staff involved in the Draft Annual Report and Accounts, highlighting a majority of the work had to be completed remotely.

The Board **RESOLVED** to:

- **NOTE** the report

9. PROCUREMENT ANNUAL REPORT

James Gray (JGray) provided a detailed summary of the report. EWilkinson advised that the Resources Committee had considered the report in detail and were content to recommend for approval. She thanked Iain McKie (IMcKie) and the Procurement team for the work involved.

The Vice Chair questioned whether the team had adopted new practices in response to lessons learned. IMcKie responded that the structure had changed to be more dynamic and communication with suppliers had altered with the team having closer relationships to them.

CCLivingstone emphasised that the number of contributors from Corporate Services to this meeting highlighted the level of commitment and expertise that Police Scotland now has.

In discussion the following matter was raised:

The Board **RESOLVED** to:

- **APPROVE** the Procurement Annual Report

10. COMMITTEE AND OVERSIGHT GROUP REPORTS

The Vice Chair referred to the paper, noting that it demonstrated the extent of work undertaken and the commitment made by Committee members.