

Meeting	Authority Meeting
Date	19 August 2020
Location	Video Conference
Title of Paper	SPA Interim Chief Executive's Report
Presented By	Lynn Brown, Interim Chief Executive
Recommendation to Members	For Discussion
Appendix Attached:	NO

PURPOSE

To update Authority Members on activities carried out by the Interim Chief Executive since the previous Authority Meeting.

Members are recommended to consider this report and to raise any matters for clarification or further detail with the Interim Chief Executive.

1. Background

- 1.1 This report provides Members with an update on key SPA activity which is not already covered elsewhere on the agenda.

2. Board Members Weekly COVID 19 Update

- 2.1 The SPA Board Members met on a weekly basis from 9 April 2020 through to 25 June 2020, to discuss the COVID-19 situation from the initial period of lockdown through the phasing of the easing of restrictions. At these meetings the Board Members received briefings from Police Scotland, Forensic Services and the SPA CEO. A record of these meetings and the briefing documents are all published on the SPA website. In addition full discussions on COVID-19 took place at each of the Board meetings during this same period and the minutes and livestream recordings are all accessible to the public.
- 2.2 From July forward the Board Members will meet less frequently but will continue their oversight of the situation at the scheduled Board meetings and will continue to receive regular briefings as required. The SPA Committees also continued their scheduled meetings during July and these have included consideration of COVID-19 related issues.

3. Oversight of Police Scotland's response to COVID-19

- 3.1 The Authority remains mindful that while the emphasis at the moment is on the policing of Scotland during the COVID-19 outbreak, the actions and the response from the Authority will also come under scrutiny in times ahead. Therefore SPA are continuing to monitor the flow of information relating to COVID-19 and are building an archive that will provide the narrative on key matters arising that are specific to the Authority's oversight of policing and will inform improvements going forward.

4. Covid19 'New Normal' Operating Model & Implications Short Life Working Group

- 4.1 We are working with Police Scotland colleagues to ensure that we are compliant with Government advice in relation to returning to work and any lessons learned from staff working remotely during lockdown.

5. ICVS Update

- 6.1 At the last Board meeting there were queries around the operation of ICVS during lockdown. ICVS have reported to the Policing Performance Committee but I would like to take the opportunity to update the Board further.
- 6.2 Police custody has remained one of great sensitivity and underlying risks throughout the COVID-19 period. The scale of custodies through this period has dropped to 9,011 which is an 80% reduction compared to 46,218 over the same period in 2019. However, this has brought various challenges for both Police Scotland and ICVS with regards to COVID-19 tagged detainees.
- 6.3 The ICVS team have continued to monitor police custody in the interim by searching detainee records in line with other schemes in the UK. On 1 June 2020 telephone monitoring process was set up to enable custody visitors to speak with detainees to ensure their care and welfare and improvement actions are being maintained and carried out.
- 6.4 ICVS team have established critical path for ICVS returning to business as usual, this is based on route map out of lockdown under Scottish Government, and planning is well under way. The team are aiming to resume face to face visits by phase 4 of Governments plans. During phase 3 ICVS team conducted weekly monitoring of detainee records alongside weekly telephone monitoring, involving 2 visitors speaking with detainees. A risk assessment and implementation plan has been developed for visitors to return to 'new normal,' this included new processes which have been put in place under COVID-19 restrictions. Police Scotland partners have been contacted to determine appropriate PPE equipment for visitors and to ensure additional stock is available. The ICVS team has

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conducted further survey work of the visitor community to determine an 'available visitor complement' for commencement of phase 4 onwards (during phase 4 the team are planning on visiting one COVID-19 centre in North). This will only be feasible once all testing of new process has been completed.

- 6.5 Engagement took place under phase 3 to determine those custody visitors willing and able to resume, eliminating those at risk. I am pleased to advise that over 50% (73 out of 130 to date) are able and willing to start, majority of which are long standing volunteers who have been part of the scheme since legacy days. During lockdown only one ICV has resigned from the scheme to date. Thought this period engagement has continued due to the commitment of the ICVS staff and volunteers and I wish to convey my appreciation and thanks.
- 6.5 The ICVS team are currently developing visit rotas for starting back in September 2020 for those willing to undertake face to face site visits, with telephone visiting remaining in place for those that are not willing and able to resume and this will continue until further notice.
- 6.6 ICV continue to report on a number of issues of ongoing risk, which were emphasised during the COVID-19 period:
- Concerns over the length of time spent by detainees in vehicles;
 - The restricted access to showers/washing facilities and exercise;
 - A delay in repairs to the fabric of the estate;
 - The introduction of virtual courts within police custody settings, whilst viewed very positively and as good practice, has a number of identified issues which require to be fully worked through prior to any long-standing commitment to this approach; and
 - The provision of healthcare in police custody centres is the responsibility of the NHS and the way in which services are delivered varies greatly across Scotland.
- 6.7 On 2 April 2020, the Scottish members of the National Preventive Mechanism (NPM), of which ICVS is one, wrote to the Cabinet

Secretary for Justice about vital importance of efforts to uphold the rights of people in detention and deprived of their liberty during COVID-19 outbreak. The letter provided a number of principles and recommendations directly applicable in the emergency situation and raised some of the key issues of concern by ICVS.

- 6.8 On 17 June 2020 the National Preventive Mechanism (NPM) Scottish sub group, with input from the ICVS national manager, provided the Cabinet Secretary with a briefing paper outlining new and persistent concerns relating to the pandemic in both prison and police custody (as highlighted above) and held a subsequent meeting with the Cabinet Secretary on 21 July 2020.
- 6.9 HMICS also has a continued interest in the development of custody best practice and custody monitoring and the MOU, signed back in 2019, is continuing to help us work together to fulfil the common purpose of monitoring the treatment of detainees and the conditions of detention in police custody centres in Scotland. The MoU has changed the approach by both ICVS and HMICS by providing a more streamlined and joined up approach to monitoring.

6. Independent Review of Complaints Handling, Investigation and Misconduct Issues in relation to Policing

- 6.1 In June 2018, the then Justice Secretary and the Lord Advocate asked Dame Elish Angiolini to conduct an independent review on complaints against the police in Scotland. The ultimate aim of the Review is to make recommendations that will help strengthen public confidence in policing in Scotland and the Final Report is expected to be published in the autumn of 2020.
- 6.2 A Preliminary Report was published in June 2019 containing a number of recommendations for the four key organisations dealing with complaints in Scotland; Police Scotland, the SPA, the Police Investigations and Review Commissioner (PIRC) and the Crown Office and Procurator Fiscal Service (COPFS).
- 6.3 The SPA's role is two-fold; to address the recommendations made for the SPA, and secondly, the Complaints and Conduct Committee

(CCC) has a role in overseeing the progress made in addressing the recommendations relevant to Police Scotland.

- 6.4 Subsequently two groups, comprising members of the four key organisations, were established; the Strategic Oversight Group (SOG) which provides strategic direction and engages with the Scottish Government regarding system improvements such as proposed changes to legislation; and the National Complaint Handling Development Group (NCHDG) which implements the required operational recommendations such as changes to processes.
- 6.5 The SPA created an internal Action Plan to address specific recommendations, lessons learned and observations made within the Report. Progress has been made in a number of areas, including governance, audit, training, systems access, updates to the SPA Complaints Handling Procedures and a planned upgrade to both the SPA and Police Scotland's websites. Of the 38 actions within the SPA Action Plan, 15 have been completed and 23 are currently ongoing. Of the 23 ongoing actions:
- 13 are for the SPA oversight of Police Scotland's implementation of recommendations.
 - 7 are related to the updating of the SPA's Complaints Handling Procedures, consultation on which is underway with partner agencies.
 - 3 relate to work currently being undertaken by the NCHDG, specifically; a review of Unreasonable Actions by Complainers' Policies; and a proposal for an annual multi-agency audit of Police Scotland's complaint handling.

7. SPA Organisational Development and Design

- 7.1 The focus this month has been on Phase 2 of the SPA 2020 organisational change programme - the proposals on the full organisational re-design & proposed structure, including the

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identification of mitigating actions for potential redundancies. Significant progress has been made on formal consultation with the Trade Unions enabling formal consultation to begin with staff.

Formal consultation with the JNCC

- 7.2 On 9 July 2020 I presented a proposal to the JNCC on the full organisational re-design and new structure which signalled the beginning of the formal consultation with the Trade Unions. The proposal outlined the rationale for change and details of all the roles in the new structure, including the grading and matching outcomes and covered the potential impact on staff and planned mitigation measures.
- 7.3 I am pleased to report that the proposal received full support from the JNCC and triggered the start of formal consultation with staff.

Formal consultation with staff

- 7.4 Formal consultation with all permanent SPA staff started on 10 July 2020 and is now underway. Formal consultation with staff consists of a two-part process: a Group Consultation Presentation on the proposal, followed by Individual Consultation Meetings to discuss the specific individual impact and options available. Throughout staff have the opportunity to ask questions and to feedback on the structure and/or on their own individual circumstances.
- 7.5 On 14 July 2020 I held a Group Consultation Presentation with all staff. The presentation summarised the rationale for change, staff & Board Member involvement in developing the proposal, the new structure and outlined the consultation process and next steps. Staff have been provided with copies of the presentation, access to all job descriptions and have been invited to their individual consultation meeting. To allow staff time to consider the information that has been provided, individual consultation meetings are taking place from 22 July to 3 August 2020. The meetings are being carried out by senior managers supported by an

HR colleague; staff can be accompanied by a Trade Union Representative or a work colleague, if they wish to.

- 7.6 As part of group and individual consultation, staff can submit counter proposals on the full structure and/or individual circumstances. Any counter proposals will be fully considered as part of the consultation process and feedback provided.
- 7.7 A progress update will be provided to the JNCC in September 2020. The outcome of consultation will be shared at the conclusion of the formal consultation process and this will include a summary of all counter proposals received and whether these were accepted, partly accepted or rejected.

Transition Arrangements

- 7.8 Transition arrangements are currently being planned to ensure a smooth progression and full implementation of all changes. This includes ongoing support for staff throughout the organisational change process, vacancy management, the further development of leadership & management, the reinvigoration of a performance culture and enhanced working practices. This work forms part of the development of a 3 Year People Strategy and Annual People Plan and will be aligned to the new 3 Year Corporate Plan and Annual Business Plan.

RECOMMENDATIONS

Members are invited to discuss the content of this report.