



## Authority Meeting

27 June 2024

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Minutes of the Authority Meeting held on Thursday 23 May 2024 at Merchants House, Glasgow

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Board Members present:	Martyn Evans (Chair) Fiona McQueen (Vice Chair) Paul Edie Tom Halpin Alasdair Hay Katharina Kasper Grant Macrae Mary Pitcaithly Catriona Stewart Caroline Stuart
Board Member apologies:	Michelle Miller
In attendance:	<b>Scottish Police Authority (SPA)</b> Lynn Brown, Chief Executive Karen Vallance, Governance Support Officer  <b>Police Scotland</b> Chief Constable Jo Farrell Deputy Chief Constable Bex Smith Deputy Chief Constable Jane Connors Deputy Chief Constable Alan Speirs James Gray, Chief Financial Officer  <b>Forensic Services</b> Fiona Douglas, Director  <b>British Transport Police</b> Iain Whyte, BTPA Scotland Member (Item 8)

	Deputy Chief Constable Alistair Sutherland (Item 8) Chief Superintendent Gill Murray (Item 8)  <b>National Crime Agency Update</b> Graeme Biggar, Director (Items 9 and 10)
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## 1. WELCOME AND STANDING ITEMS

The Chair opened the meeting and welcomed all Authority Members and representatives from Police Scotland's senior leadership team.

The Authority **RESOLVED** to:

- **NOTE** apologies from Michelle Miller.
- **NOTE** no declarations of interest or connections.
- **NOTE** no other business.
- **AGREE** that, in accordance with paragraph 20 of the SPA Standing Orders, the Board would consider items 12 and 13 in private for the reasons set out on the agenda.
  - Item 12 – to receive an update on the ongoing pay and reward process.
  - Item 13 – to receive an update in relation to blue light collaboration work.

## 2. MINUTES AND ACTIONS FROM PREVIOUS MEETING

The Authority **RESOLVED** to:

- **AGREE** the minute of the 21 March 2024.
- **AGREE** the action log.
- **NOTE** one decision was taken via correspondence, to approve amendments to VR/VER terms for the VR/VER exercise that ran from 8 January to 9 February 2024.

## 3. SPA CHAIR'S REPORT

The Chair referred to his written report and highlighted a number of key points as detailed in the paper. Whilst not in the written report, the Chair confirmed that Michelle Miller is stepping down from the Board at the end of May and thanked her for her contribution. Noting that Michelle Miller was the Board's Whistleblowing champion, the Chair nominated Caroline Stuart to take on this role which Members supported.

In discussion the following matters were raised:

- The Chair expanded on the work with the Local Authority Scrutiny Panels, noting improving relationships with Local Government was one of his priorities when he took post and that he felt there were now good relationships with Local Scrutiny Bodies. The Chair explained he raised two areas of concern at the recent COSLA Leaders Forum: the extent to which serious and organised crime impacts communities; and the state of the criminal justice system and its requirement to modernise. The main areas of interest at the Forum were financial challenges and visibility of police within local communities. Chief Constable Jo Farrell (CCFarrell) added that she had spoken of collaborative opportunities around estate, and Police Scotland's programme of reform. CCFarrell also reinforced her commitment to focus on visibility within local communities. The Chair referred to a recent public briefing describing the local, regional, and national scrutiny arrangements for policing in Scotland on the Authority's website, and requested it be promoted through social media channels.
- The Chair advised that the Community Confidence Action Research findings had not yet been disseminated, therefore a timeline for a toolkit for further roll was unknown at this stage. Tom Halpin, Policing Together Oversight Group Chair, confirmed that it would be discussed at future meetings of the group.

The Board **RESOLVED** to:

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

Public Briefing describing the local, regional, and national scrutiny arrangements for policing in Scotland on Authority's website to be promoted through social media channels.

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#### **4. COMMITTEE CHAIRS' REPORT**

Members considered the report which provided an update on business progressed through Committees and Oversight Groups since the last Authority Meeting. Committee and Oversight Group Chair summarised their reports which covered:

- Revised Model of Policing Oversight Group
- Audit, Risk and Assurance Committee
- Policing Together Oversight Group
- Forensic Services Committee
- Legal Committee

In addition to the written reports provided, Complaints and Conduct Committee Chair Katharina Kasper (KKasper) commented on the meeting which took place on 25 April. which discussed the update to the misconduct proceedings. KKasper confirmed Committee Members were content with explanations and rationale provided.

The Board **RESOLVED** to:

- **NOTE** the report.

## **5. CHIEF CONSTABLE'S REPORT**

CCFarrell provided a detailed summary of her report, specifically drawing attention to the following areas:

- Policing the Hate Crime and Public Order (Scotland) Act
- Community policing
- Policing Together Programme
- Recruitment and training of probationary officers

In discussion the following matters were raised:

- The Chair thanked Police Scotland for the weekly statistical update on the policing response to hate crime legislation, which allowed the Authority to make an interim assessment on how policing has been undertaken. The Chair confirmed the Authority's view was it had been a proportionate response. Members commented that the figures provided to the Authority demonstrate transparency and proportionality which should provide public confidence.
- The Chair commended the online training on the new legislation, noting he had taken it and found it useful in helping to understand the complexity and public policy behind it. The Chair encouraged more evaluation from Officers who had undertaken it.
- The Chair sought comment on why the guidance for no crime hate incidents was not in place by 1 April 2024. CCFarrell acknowledged the guidance and policy should have been in place ahead of legislation. DCC Alan Speirs (DCCSpeirs) informed Members that Police Scotland had accelerated guidance that deals with no crime hate incidents and that guidance will be embedded within Standard Operating Procedures. DCCSpeirs added that the vast majority of the force have undertaken the training and more work to quantify it would be undertaken. CCFarrell praised the work undertaken to deal with the early surge of reports and commented that recent events and protests had tested Officers in terms of their ability to recognise the legislation and put into practice. CCFarrell assured Members that Officers have the ability to recognise the right to freedom of speech.
- Comment was sought that Police Scotland are doing enough to protect people's right to speak. DCCSpeirs responded that policing

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of protests and counter protests is challenging but the only complaint from a recent protest in Edinburgh was around tone and style and not the implications of the new hate crime legislation. Public order advisors will continue to engage with groups prior to any event and work with them to ensure the tone and style of policing is appropriate.

- The Chair and CCFarrell both agreed there would be benefits to the Authority having ongoing insight to the policing of the legislation in order to provide public assurance.
- Members were assured Police Scotland will work with all relevant bodies to ensure a proportionate policing response to the upcoming General Election.
- Members heard there were established mechanisms between football agencies on intelligence and with border controls to protect Scottish football fans travelling to Germany for the European Championships. DCC Jane Connors (DCCConnors) confirmed Police Scotland are linking with local authorities for events taking place in Scotland to ensure a proportionate response.
- CCFarrell summarised the wellbeing support offered to Officers following a traumatic incident. This included the TRiM model and the employee assistance programme which provides psychological support with a preventative focus.
- Members heard Police Scotland were commissioning another staff survey and would be using the outcomes to baseline a position in relation to many issues such as wellbeing, leadership, and support.
- Members sought comment on criminal justice reform to which CCFarrell commented that the primary motivation for seeking reform was to ensure the criminal justice systems supports victims and is victim focussed. CCFarrell stated that only around 15% of Officers called to court end up providing evidence, and 30% of those called are on either on a rest day or annual leave. CCFarrell highlighted the financial and wellbeing impact of this, as well as the impacts on operational shifts. Members heard discussions were taking place on how to tackle the issue of rest day and annual leave attendance, as well as pilots for new areas of working.
- Members sought further comment on training to which CCFarrell confirmed there is a significant amount on training undertaken in policing and it is routinely evaluated to gain feedback.
- Members were informed there were no recruitment targets for Special Constables, but it was expected that numbers will grow following recent recruitment and information events. DCCSpeirs commented that recruitment has been refreshed and the organisation does see a journey from volunteers to Special

Constable and then onto the force. DCCConnors commented that Police Scotland had hosted the International Symposium on Volunteering in Policing where international contingents shared best practice.

- The Chair requested CCFarrell consider reporting on police officer numbers for future years at the next Authority meeting.

The Authority **RESOLVED** to:

- **NOTE** the report.

## **6. SPA CHIEF EXECUTIVE'S REPORT**

Members considered the report which detailed activities involving SPA corporate staff since the previous Authority Meeting. Lynn Brown (LBrown) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members sought a summary of the Authority's view of the Police (Ethics, Conduct and Scrutiny) Bill, as it stands. LBrown responded that the Authority's position regarding the purpose of the bill was that it has to promote trust and confidence in policing. The Authority have always been supportive of Lady Angiolini's recommendations but have the view that some provisions could go further.
- LBrown highlighted that the Convener of the Criminal Justice Committee had thanked the attendees for their comments. Fiona McQueen added she was grateful for the opportunity to give the Authority's perspective and to emphasise that improvements were not just in relation to legislation but culture. KKasper added that the evidence session provided an opportunity to stress the Authority's commitment to ensure the complaints process is fair and transparent. KKasper that public trust is built when there are clearly stated outcomes so that is where focus should be. Lady Angiolini had noted that when the complaints system works, it is not a bad model but there are challenges in implementing it, which is where the Complaints and Conduct Committee will focus. KKasper thanked the Convener and members for their relevant questions. The Chair thanked those who participated.
- CCFarrell confirmed Police Scotland also gave evidence and they are broadly aligned with proposals. Those in attendance had informed the Committee that their opinion was the 2014 Conduct Regulations were no longer fit for purpose. The Chair suggested Police Scotland work to have an outline of key aspects of modernised police regulations to propose to Scottish Parliament..

The Authority **RESOLVED** to:

- **NOTE** the report.

## **7. FORENSIC SERVICES DIRECTOR'S REPORT**

Members considered the report which detailed recent activities within Forensic Services. Fiona Douglas (FDouglas) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Member sought an update against the new operating model, how the budget is adapted to that, and how it is relatable to new drug driving legislation. FDouglas responded that it was difficult to implement large scale without investment and as such implementation has had to be prioritised. Most areas have now been implemented although not all posts have been recruited. Work has been ongoing on a long-term toxicology model around demand forecast which will help underpin stability in the area.
- FDouglas assured Members that improvements were being made in key areas such as scene tasking and volume crime DNA. Members were also assured that Forensic Services had the capability to respond to new statutory timescales, with the current outsourcing arrangements in place.

The Authority **RESOLVED** to:

- **NOTE** the report.

## **8. BRITISH TRANSPORT POLICE UPDATE**

The Chair welcomed Iain Whyte (IWhyte), Deputy Chief Constable Alistair Sutherland and Chief Superintendent Gill Murray (CSMurray) to the meeting. All three British Transport Police (BTP) attendees highlighted a number of key points as detailed within the shared slides.

In discussion the following matters were raised:

- Members were informed BTP are funded through rail companies with a small amount from the Home Office for county lines. Their jurisdiction is within the rail infrastructure.

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- Members heard there are two Officer intakes a year and whilst there has been a slight increase in officers, numbers remained around 150 in Scotland, including Special Constable, with 300 support staff.
- Members were advised that the new hate crime legislation had not brought significant demand on the service.
- Members were assured there was good partnership working between Police Scotland and BTP. CSMurray advised there were currently two seconded Sergeants within the Police Scotland custody area and that BTP would be keen to extend secondment opportunities to and from Police Scotland.
- CCFarrell added that she had spoken BTP Chief Constable Lucy D'orsy to ascertain where the strategic connections exist. She noted Police Scotland would be interested to hear what BTP are doing within the mental health space.
- IWhyte extended the Chair an invite to the British Transport Police Authority Railways Committee which the Chair accepted.

The Authority **RESOLVED** to:

- **NOTE** the report.

### 9. NATIONAL CRIME AGENCY UPDATE

Members considered the report which provided detail on NCA's performance in Scotland. Graeme Biggar (GBiggar) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members sought comment and evidence that the NCA is tackling serious organised crime in Scotland. GBiggar responded that there is a large range of international and national work to disrupt serious crime which has an impact on Scotland. Whilst it is challenging to provide specific evidence relating to Scotland, drug seizures and measurements of drug consumption will provide data showing the impact on Scotland. GBiggar acknowledged work to address financial fraud is challenges as most is committed by those out with the UK.
- Members asked how the NCA prioritise and heard it is done through a combination of using the national strategic assessment of serious and organised crime to understand the threat, and by responding to the strategic direction from the Home Secretary. GBiggar informed



Members that he sets the operational priorities which are linked to disruption outcomes. GBiggar confirmed drugs is the biggest driver in law enforcement but the NCA are working to improve response to fraud and economic crime.

- DCC Bex Smith (DCCSmith) informed Members that Police Scotland were intending to increase disruption in child protection and in the violence against women and girls.
- Members were assured that there was duplication of efforts between the NCA and the Police Scotland international development work, but good support and partnership working in some areas.
- CCFarrell complimented the recent sextortion campaign and GBiggar stated that publicity in other areas has been done but it was hoped future campaigns would have the same positive response.
- GBiggar emphasised that there is a close relationship between Police Scotland and the NCA and there is reciprocal support in a number of areas.

The Authority **RESOLVED** to:

- **NOTE** the report.

## **10. COVERT POLICING ASSURANCE**

Members considered the report which provided high-level assurance of the governance, inspection and oversight arrangements for covert policing tactics and operations. DCCSmith highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members sought comment on the extent and scale of covert policing in Scotland, and the additional wellbeing measures. DCCSmith responded she would be able to provide more detail in a private setting but confirmed Police Scotland scrutinise the use of covert policing and maximise the benefits. The Chair emphasised that whilst the Authority don't have oversight of covert policing, but need assurance on the use and officer welfare issues therefore requested that the more private detailed offered is shared at a future Members session.
- Members asked how the public can get assurance on covert policing operations. DCCSmith responded that there is strict oversight of how officers conduct themselves and the publicly available Annual

Report on the use and oversight of covert investigatory powers could provide assurance.

- GBiggar informed Members that NCA use covert policing on nearly every case throughout the UK. The key underpinning is proportionality and necessity, and any use requires approval from the Lord Advocate.
- Attendees discussed the requirement to make improvements to be at the forefront of technology. DCCSmith and GBiggar agreed both Police Scotland and NCA require improvement in technology to at least match the capability of crime groups.

The Authority **RESOLVED** to:

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

Further detail on covert policing arrangements, training, and welfare provisions to be reported too future Member Seminar.

20240523-BM-002

## **11. POLICING OF THA HATE CRIME ACT**

Members considered the report which provided an overview of Police Scotland Strategic response to the implementation of the Hate Crime and Public Order (Scotland) Act 2021. DCCSpeirs highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Regarding non crime hate incidents being recorded on the Vulnerable Persons Database, Members noted there was public concern that the other party (not the reporter) would appear on disclosure checks. Members queried whether this would happen. DCCSpeirs responded that it would not. Police Scotland Guidance states that it does not record other party details of non crime hate incidents within the Vulnerable Persons Database.
- DCCSpeirs informed Members that the benefits of recording non crime hate incidents was that it allowed Police Scotland to best support the complainer.
- DCCSpeirs confirmed that reporting of incidents had not reduced police response times and had not impacted frontline policing.
- Members sought comment on how the new legislation would be tested in courts and heard the Crown Office are keeping Police Scotland updated on cases being received and how they are being progressed.

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- Members sought information on any partnership work in the preventative area. DCCSpeirs responded that the Policing Together portfolio included partnerships and prevention therefore there was a whole programme of activity to look at opportunities. Members heard that the outcome of this work would be reported to the Policing Together Oversight Group.

The Authority **RESOLVED** to:

- **NOTE** the report.

*End.*