

Meeting	Authority Meeting
Date	30 June 2020
Location	Video-conference
Title of Paper	SPA Vice Chair's Report
Presented By	David Crichton
Recommendation to Members	For Discussion
Appendix Attached:	No

PURPOSE

To report to Members on the Authority's oversight of the Police Scotland response to the public health emergency and the Authority's assessment of policing performance during the period of lockdown.

Introduction

On 23 March 2020, as the country entered a period of strict lockdown measures in response to the COVID-19 public health emergency, policing in Scotland faced a challenge unlike any other since the national service was established, and indeed for many years before. So, as a consequence, did the Scottish Police Authority.

The emergency put into sharp focus Police Scotland's strategic commitment to protect the safety and wellbeing of our citizens and communities. The service found itself at the heart of the country's efforts to protect public health. It was given powers which were without precedent, which set tight restrictions on individual liberties and which, if inappropriately applied, could have put at risk the core principle of policing by consent. All this at a time when police officers and staff would themselves face concerns over their own health and that of their loved ones.

For the Authority, its dual role to support and maintain policing while at the same time providing oversight and scrutiny in the public interest also came into much sharper focus than ever before. The pressures facing Police Scotland's financial and personnel resources would be intense, while the performance of the service in applying its new powers while still maintaining public confidence would require continuous monitoring.

Scotland moved into stage one of a gradual easing of the initial lockdown restrictions on 29 May and has since moved into the second stage. Whilst the challenges facing Police Scotland remain unique and intense – the public health emergency is far from over - I felt this was an appropriate time to report on the Authority's work over the lockdown period and to provide our assessment of the service's response during it.

The Authority's overall approach

At the beginning of the lockdown I stated publicly that the Authority would exercise its scrutiny responsibilities proportionately, using its existing governance framework and not imposing additional reporting requirements on either Police Scotland or Forensics Services, both of which we recognised would be facing enormous challenges. I also committed to continuing with our planned cycle of business as far as

practicable and with the same high level of transparency demonstrated over the past two years.

I believe those commitments have been met. This will be our third Authority meeting since the emergency began, exactly in line with our planned programme. The full proceedings of public sessions of the Authority meetings since 23 March have been recorded and uploaded to our website. Our meeting of 20 May was streamed live, as will this meeting. Our governance committees have continued to meet as planned, and are also now being live cast. This level of continued business and transparency stands comparison with any other public body and is testimony to the hard work and commitment of Members and staff.

In addition, we have arranged weekly briefing meetings at which Members have been kept up to date with the latest data from Police Scotland and have been able to discuss any emerging issues. The proceedings of these meetings are posted on our website. We also fully supported the Chief Constable in his initiative to establish an Independent Advisory Group chaired by Mr. John Scott QC. We have an Authority member contributing to the Group and the Authority has provided secretariat support to it. Mr. Scott's latest report will be considered later in this meeting's agenda.

We have commissioned two rounds of independent polling to measure public attitudes to the policing of the lockdown period and a full analysis of the data from those surveys is being posted on our website.

Committee Work and Conclusions

This section summarises the work of our governance committees during the lockdown period and the broad conclusions each one has drawn within its particular remit.

Resources Committee. The Resources Committee has focused on six key areas in relation to COVID-19: workforce availability; health and safety; the wellbeing of officers and staff; procurement; financial implications; and reprioritisation for post-emergency operations.

On workforce-related matters, a higher absence level was evident in the very early stages of the emergency but these quickly reduced and the number of officers available has been higher than would normally be the case. The Committee has therefore had no concerns over operational capacity. The Committee was also assured that Police Scotland had adopted a robust, adaptable and risk-based approach to the specification,

training and guidance for the use of personal protective equipment (PPE), taking account of expert public health and health and safety advice. Concerns were raised by the Scottish Police Federation over the appropriate levels of PPE for roadside testing and the Authority sought assurances on this from Police Scotland. The Committee and Board are satisfied that the PPE currently available is safe and proportionate but have emphasised that any changes in the scientific advice should be taken into account. On wellbeing, the introduction by Police Scotland of the People Direct Service, reducing workload on the C3 service and a wellbeing hub have supported officer and staff and contributed to reduced absence levels.

On financial issues, the Committee examined Police Scotland's approach to procurement and concluded that an agile, professional and effective response was in place. This included early introduction of quality assurance measures, improved stock control, monitoring of run-rates and benchmarking across divisions. The Committee was assured that the Police Scotland finance team had a firm grip on the resource implications of COVID-19. This included a detailed review of the 2020-21 budget which incorporated additional cost pressures, potential underspends, the impact of lost income and the actions needed to both secure savings and control costs.

The Committee was able in parallel to maintain its work programme in other areas, for example through providing oversight of Police Scotland's Strategic Workforce Plan, productivity gains and benefits realisation, and delivery of the Staff Pay Reward and Modernisation programme.

Policing Performance Committee. The Committee's focus reflected the rapid changes to police deployment, practices, procedures and policies required as a result of the crisis. It was assured by the quality of reporting submitted by Police Scotland, including the weekly reports on Operation Talla activity which were available to the Authority and made available publicly. A number of specific issues have been examined by the Committee:

- The rise in cyber and non-cyber fraud during the emergency and an apparent decline in its detection rates. The rising incidence of online fraud and cyber-crime generally was already apparent but the unique circumstances of lockdown has accelerated it. Police Scotland are already incorporating these issues in its emerging Cyber Strategy.

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- The potentially higher risk of increased domestic abuse against vulnerable adults and children during lockdown was recognised. Police Scotland reported that this priority was shared with the local authorities and that partnership working was in place to address it.
- The specific challenges around police custody centres and the potentially higher risks to police staff and individuals in custody were examined in depth and the Committee received detailed updates on the work of the Authority's Independent Custody Visiting Service.

In addition to these specific items, the Committee continued its work on a number of ongoing matters. A new performance framework for 2020-21 was agreed. A joint Police Scotland and Authority seminar with external participants took place on the benchmarking of performance against relevant police services across the UK. The Committee reviewed evidence from four data sources on public confidence in policing across demographic, geographic and socio-economic groups and this will form part of future performance reporting. It also discussed Police Scotland's draft strategy for public contact and engagement and commended it for its clarity, evidence base and ambition.

Forensic Services Committee. The Committee has maintained its full schedule of planned meetings over the period, monitoring the impact of the emergency on the Forensic Services workforce, budget, case load, working practices (including home and remote working), working arrangements with Police Scotland and the Crown Office, and the potential impact on its strategic plan. The Director of Forensic Services has personally reported to the Authority's weekly briefing meetings. It is worth noting that the Service had tested its contingency planning for a flu-type pandemic in late 2019 and was therefore well prepared for its response.

The Forensic Service has maintained essential laboratory activities and essential Court reporting. The Committee has been assured by the Service's response but will closely monitor the pipeline of case work and the extent to which the improved working practices introduced out of necessity with key partners can be embedded in future.

Whilst maintaining its scrutiny of Forensic Services during the lockdown, the Committee also received the final report of its Digital Forensics Working Group and this was presented to the Authority meeting of 20 May.

Complaints and Conduct Committee. This Committee held its one scheduled meeting during the lockdown period but its members have continued to monitor any emerging issues around complaint handling during the period. The Committee was briefed on changes in complaint handling made by Police Scotland in consultation with the PIRC, and made a number of suggestions to Police Scotland in response. The Committee also confirmed that Police Scotland would still be in a position to provide it with its usual quarterly reports, and received this as planned at its May meeting. Police Scotland prepared a report for the Committee in respect of the likely impact of COVID-19 on complaints handling. The service has also provided information on COVID-19 related complaints made, 70% of which have been dealt with through the existing Front Line Resolution procedure. The Committee has also assessed the likely interplay between its work and that of the Independent Advisory Group to ensure that there is no overlap or ambiguity between them.

Succession Planning and Appointments Committee. This Committee did not meet during the lockdown period. However it had previously approved a recruitment process to appoint two new Assistant Chief Constables. Despite the obvious challenges, this process was able to take place and I chaired the shortlisting meeting and interviews. The posts were successfully filled, supporting the continued development and resilience of Police Scotland's leadership team.

Audit, Risk and Assurance Committee (ARAC). ARAC has continued its oversight work through its usual cycle of meetings. It has reviewed the risk and assurance implications of the pandemic, assessing Police Scotland's approach to risk identification, assessment, management and mitigation. It has also examined the integration of those risk management arrangements, including risk registers, into longer term "business as usual". In addition to oversight related specifically to COVID-19, the Authority's annual Internal Audit programme for 2020-21 is expected to conclude as planned. Finally, the Authority remains on track to consider its Annual Report and Accounts for 2019-20 in accordance within the original timetable.

Legal Action, Claims and Appeals Committee. The Committee maintains strategic oversight of any legal actions, claims and appeals being progressed against Police Scotland and the Authority. The committee has considered the impact of COVID-19 on ongoing or forthcoming legal cases and continues to monitor the progress of significant cases and any associated liabilities.

Working and Oversight Groups. The Authority currently has two short-life working groups, covering oversight of the roll-out of the new Contact Assessment Model (CAM) and the planning for the COP26 conference in Glasgow, initially scheduled for November this year. It is also represented on the Scottish Railways Policing Committee.

The CAM Oversight Group has reviewed the risks and benefits of the accelerated roll-out of the new model in response to COVID-19 and is in full support of how that has been achieved. It is assured by the steps taken to ensure all health and safety requirements have been met whilst sustaining high service levels. The Group reviewed progress in relation to the Mental Health Pathway and supported the decision to extend it to all Police Scotland control centres. It has also noted the reduced average deployment time enabled by the new COVID-19 deployment model and will continue to support the retention of this and other related service improvements for post-pandemic application. The Authority has received information at its weekly briefings on the rates of public contact, police deployment responses and wellbeing of contact centre staff.

Although the COP26 event has been postponed until next year, our Oversight Group is continuing to meet, albeit on a less frequent schedule. It will seek assurance on the continuation of essential planning, and will remain in discussion with the Scottish and UK Governments.

Two Authority members attend the Scottish Railways Policing Committee. It has received updates on the British Transport Police response to COVID-19, including inter-operability arrangements with Police Scotland.

The Independent Advisory Group. John Scott QC will provide his second full report to the Authority later in this meeting. The work of Mr Scott's Group has provided an additional level of assurance for the Authority. Its independence, the range of interests and opinion it represents and its focus on the human rights and equalities challenges faced by Police Scotland while applying its new powers have been invaluable. As I stated above, the Group reports to the Authority, one of our members, Martyn Evans, sits on it and the Authority is providing its secretariat. I will not pre-empt Mr. Scott's report here but I thank him and his colleagues on the Group for their continued commitment and insight.

Conclusions and Forward Look

The Authority has made significant efforts to adopt a comprehensive and meticulous approach to its support and oversight of Police Scotland during the lockdown period, and has done so while honouring the commitment I made at the start of the emergency to avoid making additional and disproportionate demands on the service. The Authority and its Committees continued to meet on schedule and convened additional discussions and briefing sessions as the situation demanded, at all times adhering to public health guidelines in the conduct of our meetings and the protection of our Members and staff.

We sought to identify the challenges and risks which Police Scotland would face during the emergency, providing appropriate levels of oversight and, crucially, providing the support which the service needed and deserved.

The conclusions we have drawn are that:

- Police Scotland has demonstrated its strategic role in protecting public health. The service has been at the front line of helping control the spread of the COVID-19 virus, thus reducing infection rates and lessening the burden on the NHS.
- Police Scotland leaders have communicated to the public with clarity, consistency and common sense throughout the lockdown period.
- The service has recognised the potential impacts on the health and wellbeing of officers and staff, and has put in place appropriate support and protection measures.
- Working with partners in the justice system and other public services, it has implemented at pace improvements in working practices which can and should be embedded going forward.
- It has been able to influence Scottish Government planning as lockdown restrictions have eased, advising on the policing implications of the options being considered.
- The likely impact on budgets and other resources has been monitored closely and accurately.
- At a time when the tightest restrictions on human rights in living memory had been imposed, the service has not just maintained public confidence in policing but increased it.

The COVID-19 emergency is not over and the gradual unlocking of the restrictions brings new challenges for policing as regulations and advice change. The support and oversight role of the Authority will continue adapting to suit these changing circumstances. There are a number of areas which will require additional attention, for example: the full financial and workforce implications of the emergency have still to materialise; any potential impact on “business as usual” policing, community engagement and early intervention will need to be assessed; a post-pandemic recovery plan will be needed and work is already under way on this; there may be requirements to reprioritise capital and revenue spend; opportunities to embed short-term improvements in operational practice to deliver longer term service and efficiency gains must be taken.

Also, the challenges which were already evident before the pandemic remain and may have been exacerbated. For example, the structural revenue deficit will be increased by COVID-19 related costs. Capital funding constraints remain, and continue to inhibit the scale and pace of investment in new technology. The COP26 event may have been postponed but will still bring exceptional pressures on operational policing next year. And there remains the possibility of a no-deal Brexit at the end of this calendar year.

But none of this detracts from the Authority’s position that the approach and impact of Police Scotland during the immediate period of lockdown has been outstanding, and I am pleased on behalf of the Authority to thank all officers and staff for their commitment, adaptability and sensitivity during this most testing of times.

RECOMMENDATIONS

Members are invited to discuss and note the content of this report.