

SCOTTISH POLICE
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AUTHORITY MEETING
25 November 2020

Minute of the SPA Authority Meeting held on Wednesday, 25
November 2020 via Video-conference

Board Members Present: David Crichton (Interim 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
Assistant Chief Officer Gary Ritchie
James Gray, Chief Financial Officer
Tom McMahon, Director of Strategy and Analysis (Item 9)
Jude Helliker, Director of People and Development (Item
11)
James Bertram, Health and Safety Manager (Item 11)
Chief Superintendent David Duncan (Item 6)
Superintendent Emma Croft (Item 6)

Scottish Police Authority (SPA)
Lynn Brown, Interim Chief Executive Officer
Barry Sillers, Director of Strategy, Performance and
Assurance

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Tom Nelson, Director of Forensic Services (Item 8)
Susan Montgomery, Lead Solicitor (Item 12)

SPA Secretariat

Eleanor Gaw, Governance and External Relations Lead
Catherine MacIntyre, Board Services
Karen Vallance, Governance Support Officer

1. WELCOME AND STANDING ITEMS

The Interim Chair opened the meeting and welcomed all Authority 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.

The Authority **RESOLVED** to:

- **NOTE** apologies from Jane Ryder;
- **NOTE** no declarations of interest;
- **NOTE** Members raised no other business;
- **AGREE** that, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Board would consider items 14 - 21 in private for the reasons set out on the agenda.

2. MINUTES AND ACTIONS FROM PREVIOUS MEETING

The Authority **RESOLVED** to:

- **ADOPT** the minute of the 30 September 2020;
- **NOTE** the action log and that there were no matters arising;

3. SPA INTERIM CHAIR'S REPORT

The Interim Chair provided an overview of his report, drawing particular attention to mental health demand; the spending review; the Review of Complaints Handling, Investigation and Misconduct Issues in Policing Report, and the Independent Advisory Group on Police Use of Temporary Powers Related to the Coronavirus Crisis.

The Interim Chair referred to Item 6, Mental Health Demand, noting that this had been a long standing concern within policing. A large proportion

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of call-outs are related to individuals suffering from mental health problems of which only a small percentage actually involve a crime being committed. Police Officers will always respond to calls involving vulnerable people but doing so creates a huge demand on officer time and is generally not the best way to deal with the individual affected. The paper presented the opportunity to give a clear, evidence-based articulation of the issue, highlight some of the work under way with other public services to tackle it, and stimulate more concerted and urgent action across those services.

The Interim Chair referred to the meeting he attended with the Chief Constable and the Cabinet Secretaries for Finance and Justice. He noted it provided the opportunity to present in detail the financial position, demonstrate how strong a grip the organisation has on financial management, and emphasise our determination to tackle the structural deficit. He thanked DCO David Page, James Gray (JGray) and Lynn Brown (LBrown) for their response to questions and challenge from Mr Yousaf and Ms Forbes.

The Interim Chair confirmed that the Authority welcomed the report on the Review of Complaints Handling, Investigation and Misconduct Issues in Policing, and is considering its recommendations in detail. He confirmed that Members are meeting with Dame Elish Angiolini QC on 9 December to discuss the report with her in person.

The Interim Chair noted he was reassured to see John Scott QC's evidence to the Justice Sub-Committee where he reaffirmed the value of Police Scotland's proportionate and common sense approach throughout the pandemic. He noted it was an approach validated in the continuing high levels of public confidence reported in the most recent wave of public polling, the results of which are released on 25 November.

The Board **RESOLVED** to:

- **NOTE** the update

4. CHIEF CONSTABLE'S REPORT

Chief Constable Livingstone (CCLivingstone) provided a detailed summary of the paper. In addition to the information provided in the paper, he highlighted the following additional points:

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- CCLivingstone emphasised racism and discrimination of any kind is deplorable and unacceptable and utterly condemned it. This has no place in society or in Police Scotland and he highlighted the importance of the organisation being reflective and representative of the communities in Scotland.
- CCLivingstone noted he was grateful for the significant and ongoing support and challenge on equality and diversity from a number of diversity staff associations. He summarised recent work with the Scottish LGBTI Police Association, the Scottish Women's Development Forum, SEMPER, the Scottish Police Disability and Carers' Association, the Scottish Police Muslim Association and the Christian Police Association Scotland. CCLivingstone stated that he supported the work and contribution of all these associations, and was not aware of any other major public body which had such a wide, dedicated, and engaged group of associations representing diversity in Scotland. He emphasised these associations provide informal support networks and help to create an essential space to candidly discuss the experiences of their members and make those voices heard throughout the organisation. CCLivingstone noted he agreed with the recommendation from Dame Elish that there should be a review of equality matters and as such would commission additional, independent, and expert support to work with policing to better understand the experiences of minority groups in the service and to ensure appropriate support is available where it is required.
- CCLivingstone referred to Dame Elish's report, noting he was grateful the final report highlighted progress Police Scotland had made against the preliminary findings. CCLivingstone highlighted the PIRC annual report which outlined significantly strengthened relationships and processes between Police Scotland, COPFS, the PIRC and the Authority. CCLivingstone noted Dame Elish's final recommendations are wide-ranging, with significant implications including financial costs and the need for legislative changes which will require careful consideration by the Scottish Government, Scottish Parliament and wider society.
- CCLivingstone referenced the changing guidance and regulations during the pandemic and how Police Scotland and the public have reacted. CCLivingstone acknowledged people have demonstrated remarkable levels of co-operation throughout this period, and in over 84,000 recorded interactions between officers and members of

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the public since March, formal enforcement has been required in approximately 6% of cases. CCLivingstone confirmed that officers will not be routinely stopping vehicles or setting-up road blocks to enforce coronavirus travel regulations. CCLivingstone thanked the Independent Advisory Group, the SPA, HMICS, and others for their support and challenge. He also thanked the statutory bodies, along with staff associations, who have helped to develop guidance and procedures. CCLivingstone also thanked officers and staff for their outstanding commitment to public service.

- CCLivingstone highlighted the number of events and challenges which will face policing in 2021, including Brexit, COP26, the Public Inquiry into the death of Sheku Bayoh and continuing financial uncertainties. He noted that work has continued to identify the officer and staff profile required and the skills policing in Scotland needs both now and in the future, as well as how the organisation will develop more efficient and equitable ways to meet the dynamic, challenging and complex needs and demands of communities.

In discussion the following matters were raised:

- CCLivingstone informed Members that responding to the current uncertainties has brought renewed focus on partnership working and the strength of partner relationships.
- ACC Gary Ritchie (ACCRitchie) assured Members that mapping liabilities was a central part of the consultation into the use of naloxone by officers. He assured Members it was difficult to envisage any liabilities however in the unlikely event that an officer was challenged, Police Scotland will support and provide legal assistance.
- DCC Malcolm Graham (DCCGraham) confirmed Police Scotland had committed time and resource to partnership working. The future challenges facing communities were highlighted, including the implications of Brexit and the winter months ahead, whilst in the midst of the pandemic. The decision to stand up the All Risk Co-ordination Centre and Police Scotland's role in the Strategic Resilience Partnership was highlighted. DCCGraham confirmed he was confident the organisation had the structure, resource, relationships and commitment to react to changing responsibilities.
- DCC Fiona Taylor (DCCTaylor) confirmed that learning will be captured from investigations carried out into the liquidation of a

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football club. Learning will be reintegrated into policy, practice and investigative work. DCCTaylor agreed to provide a report on lessons learned.

- The Interim Chair sought assurance that evaluations are provided to the Policing Performance Committee on the use of Remote Piloted Aircraft Systems (RPAS), which DCCGraham agreed. DCCGraham confirmed that RPAS had not been used for covert work and the vast majority of deployment had been for missing persons and to provide photographic evidence of scenes. DCCGraham informed Members that Police Scotland have publicised when they have been used and Community Impact Assessment carried out, where relevant. A Data Impact Assessment has also been carried out and refreshed annually.

The Authority **RESOLVED** to:

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

Police Scotland to provide a report to members on areas of learning for future investigations, policy and guidance from the recent investigations into a football club's liquidation.

251120-SPABM-01

Further report to be provided to the Policing Performance Committee in respect of Police Scotland's evaluation of RPAS use.

251120-SPABM-02

5. SPA INTERIM CHIEF EXECUTIVE'S REPORT

Members considered the report which detailed activities carried out by the Interim Chief Executive and the Executive Team since the previous Authority Meeting. Lynn Brown (LBrown) highlighted a number of key points as detailed in the paper.

The Authority **RESOLVED** to:

- **NOTE** the report
- **AGREE** the meeting calendar for 2021/22

6. MENTAL HEALTH DEMAND

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Members considered the report, which provided an overview of the challenges currently faced in Police Scotland's strategic planning and resources as it supports members of the community in mental health distress, including shortcomings in the assessment of demand. The report sought the support of the SPA in engaging with Public Health Scotland and Scottish Government to explore solutions. ACCRitchie, Chief Superintendent David Duncan and Superintendent Emma Croft provided a detailed summary of the paper.

In discussion the following matters were raised:

- Members welcomed the emphasis on the multi-agency approach and supported the ambitions presented.
- ACCRitchie informed Members determining the level of demand was impossible to do without understanding the impact on others so further partnership working was required, with the ambition for the assessment being undertaken system wide.
- ACCRitchie informed Members of a national coordination approach, citing the Mental Health Governance Group and other partnership groups. He advised the Health and Justice Collaborative Group was best placed to deal with the coordination work, but noted it had not met since March 2020 due to other priorities. He confirmed there was a number of opportunities to develop the system including linking with Scottish Government and Public Health Scotland to provide system-wide oversight.
- Members questioned the figure quoted of £10.7million as the total cost of mental ill health, suggesting that this seemed to be an under-estimate. ACCRitchie confirmed that the figure was taken from a NHS report of 2010 and that further work was required to determine an exact cost.
- Members welcomed the broader approach offered by Police Scotland on working together to make best use of partner agencies' expertise in deployment, rather than simply shifting costs and resources. DCC Kerr advised that there is high ambition which requires a well-integrated system and approach across the agencies responsible.
- Members referred to the figures detailing the number of people in custody who had been recognised as having mental health issues. DCC Kerr confirmed there would always be reason for a person to be taken into custody but agreed that there was a question as to

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whether custody is the most appropriate place. Work was required to look more closely at the underlying causes.

- With regard to unprecedented demand during winter, DCC Kerr confirmed that the Police Scotland would keep its focus on the core policing remit, and seek to involve other services as required. The level of mental health demand had outstripped capacity.
- Members sought assurance that work was being progressed to gather an evidence base that supports how officers are being utilised and what that cost is. DCC Kerr informed Members that the real challenge is the opportunity cost of what officers are not able to do while they are assisting others in hospitals or other places. He noted that a hard metric of data had been collated through the Demand and Productivity Unit which evidenced attendance delays. This would help develop an evidence base for further analysis including the consequences for policing. Members noted the discussion highlighted the critical importance of accurate data and a broader understanding of performance.
- ACC Ritchie advised Members that Police Scotland was working with recovery centres and crisis interventions centres to understand further the facilities available for people to recover. He noted there was scope to develop those partnerships further.
- ACC Ritchie informed Members that front line response meant officers were the most likely to attend an issue first, which required more in-depth training to understand the complex needs of mental health. He confirmed that the Mental Health Governance Group intend to map training requirements. DCCTaylor added there was an upsurge in specific training requests but noted the training calendar on more traditional areas had been affected by Covid-19. DCCTaylor advised it was her responsibility to assess risk and prioritise training opportunities.
- The Interim Chair thanked those who had contributed to the discussion, noting that this is a challenge which needs to be at the heart of a wider debate on the expectations placed on our police service. He confirmed the Authority's support in working with public service partners and government to provide better solutions. He noted that he was encouraged that the mental health pathway pilots were beginning to provide results and evidence

The Authority **RESOLVED** to:

- **NOTE** the report.

7. BREXIT CONTINGENCY PLANNING

Members considered the paper which provided an update on EU exit contingency plans. DCC Kerr highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were advised that the Flexible Response Unit's remit was wider than Brexit. The decision had been taken to reduce the overall number of officers in the Unit. Most deployment is within the central belt so those officers based in the North have returned to core duties. The number of officers in the Unit is constantly reviewed, including the capacity required for the series of major events scheduled in 2021.
- Members acknowledged that the size and deployment of the force reserve is for the Chief Constable. However, the original case for the number of officers deployed was specific to the operational demands anticipated at that time and it is therefore important for the Authority to understand any changes made to the Unit's size and scope.
- Members were assured that Police Scotland continues to be involved in Government discussions regarding international policing arrangements after Brexit and is able to provide appropriate advice and influence.

The Authority **RESOLVED** to:

- **NOTE** the report

8. FORENSIC SERVICES PERFORMANCE REPORT QUARTER 2 2020

Members considered the paper which presented performance information for Quarter 2. Tom Nelson (TNelson) highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were advised that work with Police Scotland on the demand management Memorandum of Understanding was progressing well. A draft had been circulated for comment with an

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update coming to the Forensic Services Committee in February 2021.

- Members raised concern on the impact of the backlog within the rest of the justice system on forensic services. TNelson assured Members that a meeting had taken place with Police Scotland and the Crown Office to identify and address challenges.
- Members noted the forward planning and progress made in achieving accreditation for digital forensics. TNelson summarised the different ways of working introduced during accreditation assessment. New good practice had been identified which had been shared with other organisations in England and Wales.

The Authority **RESOLVED** to:

- **NOTE** the report

9. POLICING PERFORMANCE REPORT

Members considered the paper which presented the Quarter Two performance report. DCCTaylor highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Martyn Evans, Chair of the Policing Performance Committee, reflected on the previous six months of reporting, noting that the quality of papers had been significantly improved and thanked SPA performance staff and Tom McMahon (TMcMahon) for their efforts. He informed Members that the Committee reviews evidence across four key tests, with access to trends, analysis and narrative as well the opportunity to ask questions. He provided a summary of the areas discussed at the Committee against the four tests, specifically: efficiency; effectiveness; improvement and benchmarking. The Committee's focus had included online crime; public confidence; C3; progress against the Annual Police Plan; and work with Police Scotland and the College of Policing on developing benchmarking.
- Noting the increasing trend in cyber crime, and the link to the overall cyber strategy, Members sought assurance on progress of work in those areas, particularly data management. DCCGraham assured Members that a huge amount of work had been undertaken since the cyber strategy had been presented. The implementation

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plan would be multi-year with key elements linking operational imperatives and financial planning. He confirmed that data management is a key element but is not dealt with in the cyber strategy implementation plan. DCCTaylor highlighted the number of business cases regarding data management being presented to the private session of the Board and which demonstrated Police Scotland's ambition to transform data management skills and capacity. TMcMahon added that part of the business cases was based on a large analytical platform, and more data can be identified as more legacy systems are put through a wider data repository.

The Authority **RESOLVED** to:

- **NOTE** the report

10. FINANCIAL PERFORMANCE REPORT QUARTER 2 2020

Members considered the report which provided an update on the financial position of the SPA and Police Scotland for quarter two, 2020/21, as well as forecasting the full outturn to 31 March 2021. JGray highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Elaine Wilkinson, as Chair of Resources Committee, noted that the budget was based on an assumption of staff turnover which was not now materialising. She informed Members that the Committee would look into this in further detail.
- LBrown noted she was reassured that the level of risk relating to the budget had reduced.

The Authority **RESOLVED** to:

- **NOTE** the update.

11. HEALTH SAFETY AND WELLBEING

11a. HEALTH AND SAFETY REPORT QUARTER 2 2020

Members considered the report which provided a strategic overview of health and safety during Quarter 2 2020/21. DCCTaylor highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

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- Members were assured that a review of assaults against officers was being undertaken and would be presented to the Policing Performance Committee in early 2021. It was anticipated the review will help to understand the causes and effects as well as providing benchmarking information.
- With regard to learning from Covid-19 RIDDORS, DCCGraham informed Members that a communication campaign continues which replicates the basic communication messages published from Scottish Government, and feedback has been positive. Members were assured that engagement with staff associations is positive and Operation Talla Health and Safety meetings are still taking place.
- CCLivingstone advised Members he intended to hold discussions with Scottish Government on whether Police Officers will receive the Covid-19 vaccine as a key worker priority.
- In response to statistics that officers with long service are less likely to report officer assaults, DCCTaylor informed Members a communication plan is being implemented with Your Safety Matters Champions being identified. Guidance, products and methodologies are also being set out for managers.
- Members were informed that those who assault officers are more likely to have consumed drink and/or drugs and most assaults happen during reports of disturbances or within custody suites.
- Members noted the importance of analysing statistics on absence management, on psychological and stress related conditions.
- Members were assured that robust risk assessments were in place for police personnel responding to the train accident near Stonehaven. A reported incident involving rescue personnel did not include any Police Scotland officers.

The Authority **RESOLVED** to:

- **NOTE** the update.

11b. WELLBEING REPORT QUARTER 2 2020

Members considered the report which provided an update on Quarter 2 Wellbeing activities and proposed next steps to continue to mainstream the wellbeing agenda. Jude Helliker highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

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- Members were informed there had been a backlog in occupational work due to Covid-19, however, working practices had been changed and essential areas were being prioritised.
- Members noted that flu vaccination uptake had been slightly higher than when last reported. Vaccination accessibility was an issue in rural areas of the country and a further update will be brought to the next Resources Committee.

The Authority **RESOLVED** to:

- **NOTE** the update.

12. STRENGTHENING OUR GOVERNANCE AND ACCOUNTABILITY

Members considered the report which provided details of the work done to date in reviewing the Corporate Governance Framework of the SPA and to propose further work to be undertaken. The paper also recommended the approval of a revised Corporate Governance Framework. Susan Montgomery highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members welcomed the work undertaken on the corporate governance framework, noting that one of the key drivers was the excessive workload currently brought to the Resources Committee. However, it was recognised that some topics, such as workforce planning, will require consideration by both the Resources Committee and the People Committee.

The Authority **RESOLVED** to:

- **NOTE** the update.
- **APPROVE** the revised Corporate Governance Framework of the SPA, including the revised terms of reference for committees and the terms of reference for the new People Committee;
- **APPROVE** the standing down of the Policing of COP 26 Expenditure Committee with immediate effect;
- **APPROVE** the establishment of the People Committee at a future date to be determined by the Interim Chair;
- **AGREE** to authorise the Interim Chair to appoint Members to the People Committee;

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- **AGREE** to authorise the Interim Chair to remove Annex F from the Corporate Governance Framework of the SPA once the appropriate Committee business has been transferred from the Resources Committee and the Succession Planning and Appointments Committee to the People Committee, and the People Committee has been established.

13. COMMITTEE AND OVERSIGHT GROUP REPORTS

Members considered the paper which provided an update on business progressed since the last Authority meeting through the:

- Forensic Services Committee
- Legal Actions, Claims and Appeals Committee
- Succession Planning and Appointments Committee
- CAM Oversight Group
- Resources Committee
- Policing Performance Committee
- Complaints and Conduct Committee
- Policing of COP26 Oversight Group

The Authority **RESOLVED** to:

- **NOTE** the report.