

SCOTTISH POLICE
AUTHORITY
AUTHORITY MEETING
24 February 2021

Minute of the SPA Authority Meeting held on Wednesday, 24
February 2021 via Video-conference

Board Members Present: Martyn Evans (Chair)
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 Fiona Taylor
Deputy Chief Officer David Page
James Gray, Chief Financial Officer
Andrew Hendry, Chief Digital and Information Officer
(Item 8)
Jude Helliker, Director of People and Development (Item
10)
James Bertram, Health and Safety Manager (Item 10)
Inspector Daniela Gionnoni (Item 10)

Scottish Police Authority (SPA)
Lynn Brown, Interim Chief Executive Officer
Barry Sillers, Deputy Chief Executive, Strategy and
Performance
Tom Nelson, Director of Forensic Services
Fiona Douglas, Head of Function (Item 8)
John McNellis, Head of Finance, Audit and Risk (Item 7)

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

John Scott QC (Item 6)

Azets

Gary Devlin, Audit Partner (Item 7)

SPA Secretariat

Eleanor Gaw, Governance and External Relations Lead
Karen Vallance, Governance Support Officer

1. WELCOME AND STANDING ITEMS

The Chair opened the meeting and welcomed all Authority Members and representatives from the Police Scotland senior leadership team. He confirmed Jane Ryder (JRyder) would chair the meeting if he were disconnected from the video-conference.

The Authority **RESOLVED** to:

- **NOTE** no Member apologies;
- **NOTE** no declarations of interest;
- **NOTE** Members raised no other business;
- **AGREE** that, in accordance with paragraph 20 of the SPA Standing Orders, the Board would consider items 14 - 18 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 22 January 2021;
- **NOTE** the action log and that there were no matters arising;
- **NOTE** no decisions have been taken since the last meeting.

3. SPA CHAIR'S REPORT

The Chair provided an overview of his report, drawing particular attention to the draft budget announcement.

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:

- CCLivingstone congratulated Martyn Evans on his new role as Chair and confirmed he was looking forward to working with him.
- CCLivingstone confirmed Police Scotland were not looking for anyone else with regards to the critical incident in Kilmarnock on 4 February 2021. He extended condolences to the families of those involved.
- CCLivingstone acknowledged the serious growing threat of fraud from serious and organised crime and confirmed further information will be shared at a future Policing Performance Committee and then the full Authority at an appropriate time.
- CCLivingstone advised that there had been 110,000 recorded interactions with the public regarding Covid-19 with only a small percentage resulting in any formal enforcement action being taken. The recording of interactions is an example of best practice to document the impact the pandemic has had on communities.
- CCLivingstone welcomed the introduction of the United Nation Convention on the rights of the child which he noted will have implications across public life.
- CCLivingstone recorded his personal gratitude to Police Officers and staff for all work undertaken during Covid-19 pandemic.
- CCLivingstone confirmed work was progressing to introduce an MOU to support effective and transparent consultation and engagement when Police Scotland look to introduce new technologies. The MOU will provide a consistent framework to allow engagement with communities and interest groups in a way that aligns with the organisations core principles and values. The use of drones was an example of when communication at times can be misunderstood and clear public engagement with the public is key. They are extremely useful and critical and have been used to support a number of missing person enquiries, public order and critical

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incidents. CCLivingstone stated that drones are critical to assist policing but are not used covertly and there are no plans to do so.

In discussion the following matters were raised:

- The Chair welcomed the work on the MOU regarding engagement of new technologies. He noted it helped get ahead of public discussions and was critical for maintaining public confidence.
- Members were advised that not all training had been cancelled but Police Scotland had been reconsidering the training regime as the need to maintain capability, resilience and health and safety was recognised. Planning is underway to establish a timeline for recommencing non-essential training in a Covid-19 safe environment.
- CCLivingstone agreed to provide an update on the status of investigation and lessons learned from the SEPA cyber-attack.
- Members were informed that Police Scotland have a duty to record those who have received the Covid-19 vaccine within the force to allow a wellbeing follow up plus a greater awareness should the vaccine programme become sector by sector. CCLivingstone highlighted there was a strong case to be made for officers and staff, as well as other key workers in public life, to be vaccinated as a priority. CCLivingstone confirmed there was an understanding within Scottish Government of the concerns of policing and he would continue to advocate for prioritised vaccines.
- With regard to the recent vehicle accident on the A90, CCLivingstone highlighted that the safety and wellbeing of young people is central to what Police Scotland do but part of the ability to discharge duties is to make sure they do not put themselves at harm. He highlighted that when vehicles are driving at speed, it is not possible to quickly identify the age of the driver. DCC Will Kerr (DCC Kerr) provided an overview of the pursuit policy, explaining the three basic principles that are followed to try and stop a vehicle. DCC Kerr confirmed that only trained authorised advanced drivers are involved in a police pursuit.
- With regard to the UN Convention on the rights of the child, CCLivingstone confirmed that horizon scanning is being undertaken within ACC Ritchie's portfolio. CCLivingstone advised that the focus on children rights is something that has always been a commitment within policing and a combination of Covid-19 and proposed

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legislative changes has ensured that focus becomes more acute. CCLivingstone advised that the area of work would not necessarily be reported under transformational change as it was business as usual in response to legislative changes.

- Mary Pitcaithly (MPitcaithly) referred to the legal actions raised against Police Scotland, in relation to the Rangers Football Club legal case. She confirmed the evidence given by CCLivingstone at the Public Audit and Post-Legislative Committee was consistent with the information provided to the Legal Committee, and the Committee would continue to receive updates. CCLivingstone confirmed that when circumstances arise which is beyond what is legitimately Police Scotland's core purpose and has a financial burden, it is the duty of Chief Constable to raise with the Authority which he would continue to do so.

The Authority **RESOLVED** to:

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

Members to be updated on status of SEPA investigation re cyber-attack and any lessons learned identified.

220224-SPABM-01

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

6. INDEPENDENT ADVISORY GROUP ON POLICE USE OF TEMPORARY POWERS RELATED TO THE CORONAVIRUS CRISIS

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Members considered the report which provided an update on the work carried out by the Independent Advisory Group (IAG). John Scott QC (JScott) highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- JScott agreed that the main headline the IAG would publically highlight is that the approach to policing in the pandemic has been notable for its consistency and respect for human rights.
- Members referred to the data singling out women and older people as those most likely to breach regulations and noted those groups are not what the public would anticipate. JScott responded that the occasional suggestion that young people are those mostly breaching regulations is misleading and that part of the public narrative is wrong.
- Members questioned whether there was a change in attitude and emphasis on the first 3E's from Officers. JScott advised that an increase in enforcement is not due to abandoning the 4e approach. He noted the first engagement might end up going quickly to enforcement depending on response but most groups are dispersing when police arrive. He confirmed the 4e approach is fundamental to providing a proportionate human rights response.
- Members were advised that a detailed response had been received from Scottish Government regarding pre-legislative scrutiny which would be shared and discussed at the next IAG.
- DCCKerr informed Members that conversations continue with the IAG on how learning can be taken forward, on areas that went well and also what could have been done better. DCCKerr highlighted that the first public survey was undertaken within the first month of restrictions which has helped learning. Survey responses indicated the public want more public reporting if officers will be seen less, which has been done. DCC Kerr confirmed that an external independent review would take place which JScott welcomed.
- DCCKerr advised Members that only a small minority of the public continue to flout the regulations, however Officers only use enforcement if there is a blatant or repeated breach. The figures for interventions, dispersals and fixed penalty notices have been steadily rising over the last few months. DCC Kerr confirmed Police Scotland are starting to prepare operationally for the easing of restrictions.

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The Authority **RESOLVED** to:

- **NOTE** the report.

7. INTERNAL AUDIT PLAN

Members considered the paper which presented the Annual Audit Plan 2021/22. LBrown highlighted a number of key points as detailed within the paper.

JRyder, Chair of Audit, Risk and Assurance Committee, commended the work of SPA staff and Azets staff in drafting the plan

The Authority **RESOLVED** to:

- **NOTE** the report
- **APPROVE** the Annual Audit Plan

8. TRANSFORMATIONAL CHANGE

8a. Oversight of Change in Policing

Members considered the paper which documented and highlighted the SPA Board and Committee coordinated activity associated with the oversight of the content, progress, pace and impact of transformational change to support the continuous improvement of the policing of Scotland. Barry Sillers highlighted a number of key points as detailed within the paper.

The Chair noted the paper publically details what has been done and demonstrates the alignment between SPA and Police Scotland in the area.

The Authority **RESOLVED** to:

- **NOTE** the report

8b. Police Scotland Transformational Change

Members considered the paper which provided an update in relation to the Oversight of Change within Police Scotland. Andrew Hendry highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

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- The Chair noted the paper details what change activity is being reported to Committee's which was helpful however the Authority required more high level assurance.
- Members referred to the 1185 FTE efficiencies and sought further information on where those efficiencies are being used and how the impact is analysed. Members were informed that the significant capacity created had been absorbed within local policing to respond to additional demand and specialist areas. Demand analysis was being undertaken to demonstrate those efficiencies within workforce planning, which could be brought back to the Authority in due course.
- Members discussed the digital evidence sharing project, agreeing they shared the ambition with Police Scotland but raised concern over the areas of governance and accountability. Members requested that while reporting continue through the Resources Committee the full Authority be sighted at the earliest opportunity due to the significant risks. DCO David Page agreed.
- Members were advised each activity had a RAG status of either green or amber but the specific status of each activity would be confirmed.

The Authority **RESOLVED** to:

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

RAG status of all assurance activity to be confirmed to Members.

220224-SPABM-02

8c. SPA Forensic Services Transformational Change

Members considered the paper which provided an update on the Forensic Services 2026 programme. Fiona Douglas highlighted a number of key points as detailed within the paper.

Members were advised that Covid-19 had changed working practices and the learning had been incorporated into the operating model and work continues with Police Scotland the Crown Office to determine the impact. However, Members were assured that Covid-19 did not present any challenges to the Forensic Services Change programme.

The Authority **RESOLVED** to:

- **NOTE** the report

9. WORKFORCE DIVERSITY, INCLUSION AND EQUALITY IN POLICING

Members considered the paper which provided an update on the work being carried out by Police Scotland to mainstream Equality, Diversity and Inclusion. DCC Fiona Taylor (DCCTaylor) highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were informed that benchmarking work is being done with comparative forces in England and Wales on gender and race.
- Members were assured that focus groups for black and ethnic minority officers would continue to run.
- Members were informed that the Independent Review Group was set up in response to a Dame Angiolini recommendation and membership will be entirely independent with an independent Chair.
- Members were advised that lots of data sets were available but there were limitations within all. Work is progressing to interrogate internal systems to pull relevant data. Police Scotland want to be an organisation where people don't feel afraid to self-categorise, and this will enable the organisation to track progress and ensure no unconscious bias.
- Members were informed work was being done through the Your Safety Matters initiative to protect the organisation from discrimination. The initiative is also supportive within the Crown Office who had provided reassurance that racist behaviours will not be tolerated and will be prosecuted where possible.
- Members were assured that the overwhelming majority of colleagues act with respect and there is support within the organisation for those who report unacceptable behaviours. One of the key areas currently being looked at is to ensure new staff are aware of the requirement to advocate and instil an expectation that discrimination should not be tolerated and that support will be provided to those who highlight any instances.
- CCLivingstone reflected on Members questions noting there was clear experience of trying to develop a culture that celebrates equality and inclusion which the service can draw on. CCLivingstone

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noted he felt policing is uniquely diverse compared to other professions and reiterated the commitment from Police Scotland to progress work.

- The Chair acknowledged the large ambition, noting the Authority was keen to see progress and looked forward to future reports.

The Authority **RESOLVED** to:

- **NOTE** the report

10. HEALTH, SAFETY AND WELLBEING

10a. Health and Safety Report Quarter 3

Members considered the report which provided a strategic overview in relation to Health & Safety within the SPA and Police Scotland. James Bertram highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- Members were informed that the policing response to the Covid-19 pandemic had resulted in a rising number of RIDDORS.
- Members were assured that risk assessments of PPE equipment were being carried out every 1-2 weeks and officers and staff were wearing FP3 masks at Covid-19 scenes which offered the best protection.

The Authority **RESOLVED** to:

- **NOTE** the update.

10b. Wellbeing Report Quarter 3

Members considered the report which provided an update on Q3 Wellbeing activities and proposes 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:

- Members discussed the use of benchmarking against similar sized organisations which are also dispersed against a large area. Elaine Wilkinson informed Members that the Resources Committee have sought to get an evidence based approach and are now looking to get a dashboard to measure the impact of initiatives.
- MPitcaithly advised the Authority the Legal Committee were concerned on the delay to ill health retirements and injury on duty

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awards, however occupational health providers have increased capacity which will help with progressing cases. The Committee had been informed that regular contact was being made with officers affected and a collegiate approach with partners was ensuring progress was being made. MPitcaithly advised that any officer who has been impacted by the delay and would be suffering a reduction in pay would maintain the applicable rate of pay until medical examinations were complete.

- Members requested pulse survey results are reported to the People Committee.

The Authority **RESOLVED** to:

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

11. FORENSIC SERVICES PERFORMANCE REPORT QUARTER 3

Members considered the report which presented the Forensic Services Performance Report, Q3 2020/21. Tom Nelson highlighted a number of key points as detailed within the performance report and provided a Director's update on other Forensic Services business.

In discussion the following matters were raised:

- Members were informed there was a significant overspend due to a change in expectant staff gapping however the Forensic Services Committee and the Resources Committee are both fully sighted and it is being managed within the budget.
- Members were advised that Forensic Services were involved in the scoping and design of the digital evidence sharing project and would embrace and endorse any opportunities which arise.

The Authority **RESOLVED** to:

- **NOTE** the update.

12. FINANCIAL PERFORMANCE REPORT QUARTER 3

Members considered the report which provided an update on the financial position of the SPA and Police Scotland for quarter three of the financial year 2020/21, as well as forecasting the full outturn to 31 March 2021.

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James Gray (JGray) highlighted a number of key points as detailed within the paper.

In discussion the following matters were raised:

- LBrown advised that the level of risk has been diminished over the year as there was more certainty on what the outturn will be. LBrown commended the work of JGray and his team.
- Members were advised there was extensive discussion at the Resources Committee around the pressure to spend the capital budget but had took assurance of the procedures and processes in place to deliver that.

The Authority **RESOLVED** to:

- **NOTE** the update.

12. COMMITTEE AND OVERSIGHT GROUP REPORTS

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

- Audit, Risk and Assurance Committee
- Succession Planning and Appointments Committee
- Forensic Service Committee
- Resources Committee

The Authority **RESOLVED** to:

- **NOTE** the report.

The Chair thanked Members for their discussion and openness on bringing personal aspects. He informed attendees he intended to look at frequency and content of future meetings.

END.