

AUTHORITY MEETING

30 September 2020

**Minute of the SPA Authority Meeting held on Wednesday, 30
September 2020 via Video-conference**

Board Members Present: David Crichton (Interim Chair)
Martyn Evans
Tom Halpin
Grant Macrae
Michelle Miller
Mary Pitcaithly
Jane Ryder
Matt Smith
Caroline Stuart
Elaine Wilkinson

Apologies: Robert Hayes

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
James Gray, Chief Financial Officer
Tom McMahon, Director of Strategy and Analysis (Items 6-7)
Supt. Patrick Campbell (Item 8)
Chris Brown, Strategic Financial Planning and Budgetary Lead (Item 9)

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

Independent Advisory Group on Police Use of Temporary Powers Related to the Coronavirus Crisis
John Scott QC (Item 10)

SPA Secretariat

Catherine MacIntyre, Head of Business Services

Karen Vallance, Committee Co-ordinator

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 Martyn Evans would Chair the meeting if he were disconnected from the video-conference.

On behalf of the Authority he expressed condolences to the family, friends and colleagues of Metropolitan Police Sergeant Matiu Ratana who died while on duty. He noted it was a blunt reminder of the expectations placed on Officers.

The Authority **RESOLVED** to:

- **NOTE** apologies from Robert Hayes;
- **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 12 - 15 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 19 August 2020, with one amendment: third sentence of the last paragraph under Item 2 to read '*He confirmed the Authority will continue to advise, influence and challenge on both those fronts, and will press for efficiency and productivity improvements to meet the growing pressures in the non-wage components of the budget*';
- **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 policing of Covid-19 regulations, spending review and equality and diversity.

The Interim Chair noted the approach taken by Police Scotland since the initial lockdown in March, based on the four E's approach, common sense and proportionality is one that has worked exceptionally well, and the Authority has recognised that consistently over the last six months. He commended the Chief Constable and Police Scotland for the way they had performed their duties over the last 6 months.

The Interim Chair highlighted that along with the Chief Constable and other colleagues, he met with the Cabinet Secretary for Justice and the Cabinet Secretary for Finance to brief them on the financial position. He advised it was a very constructive discussion and they will continue to discuss budgets with Scottish Government officials on a continuous basis.

The Interim Chair noted that he recently met with SEMPER, the Scottish Women's Development Forum and the National Independent Strategic Advisory Group and received both support and challenge from them, which was welcomed. The Authority also held a series of bilateral discussions with staff associations and trade unions to try to develop better ways of ensuring that their advice and voice is heard as part of informing wider scrutiny duties.

The Board **RESOLVED** to:

- **NOTE** the update

4. CHIEF CONSTABLE'S REPORT

Chief Constable Livingstone (CCLivingstone) provided a detailed summary of the paper and highlighted the following additional points:

- CCLivingstone expressed his shock and sadness following the death of Metropolitan Police Sergeant Matiu Ratana. He extended sympathy and support to his family, colleagues within the Metropolitan police and the people of London.
- CCLivingstone stressed that house parties and indoor gatherings must not take place and are against the law. Police Scotland will continue using the four E's approach and enforcement action will be taken, if necessary.

- CCLivingstone highlighted the arrest of two men who were arrested on suspicion of importing Class A drugs which were seized at the Port of Dover, as part of an investigation led by Police Scotland in partnership with the National Crime Agency.

In discussion the following matters were raised:

- CCLivingstone assured Members that Police Scotland has had no difficulty in securing Covid-19 testing for officers, staff and their families. The organisation has worked closely with partners to meet demand. DCC Malcolm Graham (DCCGraham) added that testing remains a key focus to help keep people at work. An enhanced level of testing is available however the result has meant there is a slight increase in absence. He confirmed there has been a small number of outbreaks in the workplace which have been quickly contained. The organisation has launched a National Outbreak Management Team within the People and Development function to assist in testing, guidance and liaising with the national track and test team.
- CCLivingstone confirmed that the winter flu vaccine scheme is available to all officers and staff, and uptake will be encouraged through internal messaging.
- Members sought comment on the balance between the ability to uphold and protect human rights and policing Covid-19 restrictions. CCLivingstone responded that he had seen no contradiction between enforcement of the law and protecting human rights as the vast majority of times the law is enforced, it is to protect human rights. The three strategic aims of Police Scotland in response to policing Covid-19 are in line with the organisational values and protecting human rights. CCLivingstone stated he felt no organisation in Scotland does more for human rights than policing and the four E's approach offered evidence to support that.
- Members requested an update on mental health demand and the mental health pathway. CCLivingstone responded that the organisation has become better at identifying individuals who are suffering mental health or distress and cooperation across public services to provide solutions has improved. Members were informed that the Mental Health Pathway is in an early pilot stage, but early results were very encouraging. The Interim Chair confirmed the Authority would come back to discuss further when there are measurable benefits to supplement anecdotal evidence.

- Members sought comment on the potential impact of court delays due to the Covid-19 pandemic. CCLivingstone responded that it was a challenging issue and there was concern on the developing backlog which threatened the legitimacy of the justice system and brought wider public safety issues. He confirmed the continuation of new initiatives such as use of digital evidence was welcomed by Police Scotland. DCC Will Kerr (DCC Kerr) summarised the three priorities within the justice system: managing the backlog to protect public safety; preparing for the next 12 months with Brexit and Cop26, and preparing for a more digital justice system.
- Members sought reassurance on the maintenance of business as usual policing within local communities during times of increased demand such as Brexit and Cop26. CCLivingstone confirmed that the organisation recognised threats to communities are not always visible and can come from outside those communities, therefore Police Scotland will continue to focus on the fundamentals of policing within communities, irrespective of other demands.

The Authority **RESOLVED** to:

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

Further discussion to be had on Mental Health Pathways, once data and practical benefits are identified following pilot.

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5. SPA INTERIM CHIEF EXECUTIVE'S REPORT

Members considered the report which detailed activities carried out by the Interim Chief Executive 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:

- LBrown advised that the Authority, if it so wished, could bring future Independent Custody Visiting Scheme Annual Reports to the Authority meeting.
- Members questioned whether the polling for the public opinion survey was done over a period of time when restrictions may have changed. LBrown confirmed the current polling was the third tranche which fed into the Independent Advisory Group and is

completed through ScotPulse. It will allow comparisons across the UK and with the previous two polls.

The Authority **RESOLVED** to:

- **NOTE** the report

6. CYBER STRATEGY

Members considered the report which provided an update on the development and implementation of Police Scotland's Cyber Strategy. DCCGraham highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- CCLivingstone highlighted that policing has increasingly moved into the private space where there is hidden harm and vulnerability, and challenges remain for people living in the virtual world. Police are required to provide support, intervention, education and enforcement in this area. It is not a shift of demand but additional demand. There is currently a limitation on the ability to address the increasing threat and he confirmed that he strongly supported the strategy.
- Members sought reassurance concerning any possible impact on the public visibility of policing. CCLivingstone advised that there is a requirement to publicly articulate that physical visible policing does not fully represent the protection of communities, and the vulnerabilities they face. He felt the public already has an awareness of the virtual threat and requirement to police it. However the message needs to be reinforced.
- Members noted that it was an ambitious strategy and raised concern over the cost and investment required. With regard to the investment profile, DCO David Page (DCOPage) highlighted that the Digital Data and ICT (DDICT) Strategy underpins a lot of the technical requirements and had laid out clear financial investment plans. He advised that if capital investment was received this would allow the data issues to be addressed and improved. With regard to resourcing, he stated that the current budget for realignment of officers is available, but skills and training are required for staff. The required investment for this was also laid out in the DDICT strategy.
- Members noted that the original investment sought within the DDICT strategy had not been made available and therefore for the

Authority to be supportive, a detailed implementation plan was required based on scenario planning with key milestones. Tom McMahon confirmed that work had begun to progress the implementation plan and it would be available internally to Police Scotland by the end of the calendar year.

- Members raised concern on the pace of delivery of the implementation plan. DCCGraham responded that pace is reliant on funding therefore scenarios will be planned based on current available funding. DCOPage agreed that pace is key however the biggest inhibitor is funding. He reiterated if funding is provided as per the DDICT strategy, all can be delivered.
- DCCGraham informed Members a strong pitch to Scottish Government and other organisations was required to highlight that Police Scotland can be the leader and catalyst in demonstrating the good use of funding for mutually beneficial public outcomes.
- Members were assured that education would be key to local partnerships. With regard to international partnerships, Members were advised that these would be accessed through UK partners such as the National Crime Agency and the National Cyber Security Centre.
- DCCGraham acknowledged that preparing plans for training staff was a complex task. He highlighted that part of the strategy is focussed on gaining new specialist skills but a huge part also focussed on the upskilling of existing officers and staff.
- Members were informed that engagement with staff associations was at an early stage and deeper workforce engagement will continue during the implementation stage.

The Authority **RESOLVED** to:

- **NOTE** the update.
- **APPROVE** the strategic direction set out within the Cyber Strategy.
- **AGREE** the following action:

Fully costed and integrated implementation plan with scenarios, e.g. speed or phasing depending on funding available, to be shared internally within Police Scotland by end of calendar year, and thereafter shared with the Authority prior to SPA budget setting process.

7. POLICING PERFORMANCE REPORT

Members considered the paper which presented the Quarter 1 performance report. DCC Fiona Taylor (DCCTaylor) provided a detailed summary and 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, provided a summary of the issues discussed and raised at the Committee, specifically: the key measures of progress toward strategic outcomes and other evidence sources to track policing performance; a deep dive into stop and search data relating to children and young people; the Information Commissioners Office report on digital triage devices in England and Wales and how it has been assessed by Police Scotland ahead of the expected report on Scotland, and the consideration of the draft Independent Custody Visiting Scheme Annual Report. He confirmed the Committee responded positively to the new template aligned to the revised Performance Framework but had requested a greater focus on strategic assessment of the pertinent challenges and opportunities and a more focused executive summary for future reports.
- Members sought further information on the longer than average times to answer 101 calls. DCC Kerr informed Members that the volume of 101 calls had significantly increased during the last six months and the use of the Thrive Assessment model involved call handlers assessing and responding to vulnerability, including Covid-19 information, which had increased call times. He advised there had been capacity issues within the three contact centres due to required physical distancing. He acknowledged the technology required significant investment to meet both demand and public expectations. Due to current demand, response times to 101 calls could not match 999 calls,
- Members sought further information on how the policing response to missing person incidents can be dealt with as a strategic issue. DCCTaylor highlighted that issues of missing persons are taken very seriously and it was anticipated that numbers will increase due to Covid-19 impact on mental health. TMcMahon added that the Demand and Productivity Unit have developed a missing persons'

dashboard which has been rolled out across divisions. This was proving useful as an investigative and management tool.

- Matt Smith confirmed that the Complaints and Conduct Committee received a report on dip sampling of Covid-19 specific complaints.
- Members were informed that predictive analysis was a work in progress and will be taken into account within the refreshed strategic threat and risk assessment. A joint SPA and Police Scotland webinar was held with the Open Knowledge Foundation on the positive use of algorithms and analytics in policing and a second webinar has been agreed in principle.

The Authority **RESOLVED** to:

- **NOTE** the report

8. 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 informed that preparation work done within the last year remains valid and there was now increased resource in border command areas.
- DCC Kerr confirmed the Flexible Resource Unit is still in place to respond to requirements and the benefits will be shown during the next 18 months when several events are scheduled. Members were informed that plans to mitigate the impact on local communities during Cop26 will be discussed at the next Policing of Cop26 Oversight Group.
- Members referred to the additional funding required for the Flexible Resource Unit and stressed the need to highlight the additional positive benefits of having the unit over the last 12 months and the next 18 months.

The Authority **RESOLVED** to:

- **NOTE** the report

9. SPENDING REVIEW DEVELOPMENTS

Members considered the report which detailed the financial

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

In discussion the following matters were raised:

- LBrown noted she was fully supportive of the analysis and investment required.
- Members were advised that Audit, Risk and Assurance Committee discussed going concern when presented with the draft Annual Accounts.
- CCLivingstone supported the work undertaken by finance and the senior leadership's involvement and engagement. It was recognised there was a significant pressure on the public purse, but productive and frank discussions were ongoing with Scottish Government where financial pressures were recognised but also a shared agreement on what the figures show and what implications of investment decisions are.
- The Interim Chair noted that items on the agenda highlighted the extent to which investment in policing reaches into other public services which reinforces the case for cross sector budget planning.
- Members noted that a lot of investment had been made which had created additional capacity within Officer's time therefore understanding how capacity is utilised is key. CCLivingstone agreed that capacity also gives the opportunity to look at the quality of the service. CCLivingstone recognised that there was a political attachment to the number of Police Officers within the service and the organisation would have to respond to that.

The Authority **RESOLVED** to:

- **NOTE** the update.

10. INDEPENDENT ADVISORY GROUP ON POLICE USE OF TEMPORARY POWERS RELATED TO THE CORONAVIUS CRISIS

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

In discussion the following matters were raised:

- Members questioned how the group will take into account the potential link between increased non-compliance and individual interpretation of the guidance. JScott responded there was a variety

of reasons for non-compliance, therefore those involved in national communications need to be clearer on the definition and difference between rules, guidance and law. If a rule is in place, clear rationale should be provided. It was a possibility that those who want more enforcement do so because they think guidance should be enforced.

- CCLivingstone confirmed the four E's approach had been used consistently throughout all changes in regulations, and would continue to be used. The approach signifies how officers deal with individuals, groups and scenarios while representing the principles of human rights. It also reflects the strategic approach taken by Police Scotland.
- Members were informed that new operational guidance on responding to house parties was helpful, in particular guidance on flagrant and repeated breaches. It was noted that the vast majority of the public are compliant with guidance and rules which has operationally allowed officers to accelerate through the four E's approach, when appropriate. Officers have been encouraged to use discretion to apply the four E's sensibly and consistently.

The Authority **RESOLVED** to:

- **NOTE** the update.

13. COMMITTEE AND OVERSIGHT GROUP REPORTS

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

- Legal Actions, Claims and Appeals Committee
- Policing Performance Committee
- Complaints and Conduct Committee
- Policing of COP26
- Resources Committee
- Audit, Risk and Assurance Committee

The Authority **RESOLVED** to:

- **NOTE** the report.