

BOARD MEETING

30 April 2020

**Minute of the Scottish Police Authority Board Meeting held on
Thursday, 30 April 2020 via Tele-conference**

Board Members Present: David Crichton (Vice 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 (PS)
Chief Constable Iain Livingstone (*Items 1-3, 6*)
Deputy Chief Constable (DCC) Will Kerr (*Items 1-3, 6*)
Deputy Chief Constable (DCC) Malcolm Graham (*Items 1-3, 6*)
Deputy Chief Constable (DCC) Fiona Taylor (*Items 1-3, 6*)
Deputy Chief Officer (DCO) David Page (*Items 1-3, 6*)

Scottish Police Authority (SPA)
Lynn Brown, Interim Chief Executive Officer
Tom Nelson, Director of Forensic Services

Independent Advisory Group on Police Use of Temporary Powers Related to the Coronavirus Crisis
John Scott QC (*Items 1-3, 6*)

SPA Secretariat
Catherine McIntyre, Head of Board Services
Karen Vallance, Committee Co-ordinator

1. WELCOME AND STANDING ITEMS

The Vice Chair opened the meeting and welcomed all Board Members, representatives from the Police Scotland senior leadership team and John Scott QC.

He also extended a welcome to Joe Griffin (Scottish Government), Gill Imery (HMICS) and Gillian Woolman (Audit Scotland) who were on the call in an observer capacity.

He confirmed that the meeting was in addition to the scheduled Authority meetings with the focus solely on the policing impact and response to Covid-19.

The Vice-Chair confirmed that the meeting was being recorded and the audio was being live-streamed to the SPA website, with a recording put online at the close of the meeting.

The Board **RESOLVED** to:

- **NOTE** no apologies;
- **NOTE** no declarations of interest;
- **NOTE** the Minute and action log from the meeting held 25 March would be deferred to the May Authority meeting for approval;

2. SPA VICE CHAIR'S REPORT

The Vice Chair referred to his report and highlighted:

- Police Scotland were working under extraordinary circumstances and had been providing advice and encouragement throughout the country. They have also, at times, had to enforce legislation that has never been used before, responding well and showing calmness.
- The Vice Chair acknowledged that lessons would be learned from the policing response and was thankful to the Chief Constable for initiating the creation of the Independent Advisory Group, chaired by John Scott.
- The Vice Chair highlighted that Police Scotland play a fundamental role in keeping people safe and in doing so are protecting the NHS and creating a positive impact on communities. He recognised that Police Scotland are undertaking planning in anticipation of a gradual easing of the current restrictions and felt it necessary that Scottish

Government take into account their advice on the policing implications of any such changes.

The Board **RESOLVED** to:

- **NOTE** the update

3. POLICING RESPONSE TO COVID-19

Chief Constable Livingstone (CCLivingstone) thanked the Vice Chair for his comments and endorsed the points made. He also thanked officers and staff for their effort and the public for the high level of consent, cooperation and compliance, requesting this response is sustained.

CCLivingstone referred to his written report and also highlighted the following:

- As the organisation has readjusted to the current circumstances, organisational change is continuing and in some cases being accelerated. An example being CAM which has now gone live throughout Scotland. Thanks were extended to Martyn Evans (MEvans) for his support as Chair of the CAM Oversight Group.
- Focus is now turning towards the future response with the recognition that any changes to lockdown will bring its own challenges to policing. Responses may require to be more nuanced.
- In the future, when Police Scotland are assessed on their response, CCLivingstone noted he felt there were three areas the organisation should be judged on: 1. Contribution to social distancing and the effect on mortality rate. 2. Public confidence in policing. 3. The organisation's response to protect and look after its own people.
- CCLivingstone again thanked all officers and staff of Police Scotland and SPA for their response and work.

In discussion the following matters were raised:

- On working conditions for pregnant members of staff, Members were advised that staff who were pregnant were at home and remote working if possible. Special leave was also available if required.
- A detailed update on PPE was requested. DCC Malcolm Graham (DCCGraham) advised Members that from the outset a rigorous and robust risk assessment was undertaken. As statutory guidance has changed, internal guidance has changed to reflect this. He confirmed that procurement and distribution had been challenging but there

had not been a shortfall against the guidance, and supply was keeping up with the attrition rate. He also confirmed there were a number of escalation routes, should any problems arise.

- Elaine Wilkinson (EWilkinson) advised that the Resources Committee had a detailed discussion on health, safety and wellbeing issues and the Committee had taken reassurance on the dynamic risk assessments undertaken and how they were specialised to policing. She also confirmed the Committee were provided with reassurance on procurement.
- Members questioned whether the workforce would be deployed differently to avoid any backlog of work. CCLivingstone responded that there should not be a backlog as the organisation is still policing all areas. However, everything that has been impacted by Covid-19 will be fed into strategic workforce planning. The organisation also hoped to capture for the longer term changes such as virtual courts and greater use of digital materials.
- Members noted that custody suites could potentially be a high risk area for spread of Covid-19 and questioned whether there had been any incidents of custody suites having to self-isolate. CCLivingstone responded that the approach to custody is part of a number of criminal justice changes and is a hugely challenging area. DCC Will Kerr (DCCkerr) added that detailed planning had been undertaken and changes to structures and processes had been made. The number of people in custody suites is lower than normal and the increased use of virtual courts and digital transfer of evidence is minimising the time spent in custody and risks for both the public and staff.
- Members noted that data collected on Operation Talla was good and questioned what use is being made of it. DCCGraham confirmed its original purpose was to prepare a dynamic information suite but it has now been broadened out for local commander's use and enhanced for engagement measures. CCLivingstone added that public confidence had been given prominence and weekly updates on confidence levels are being reported by ACC John Hawkins. He also confirmed that there had been a significant uptake on the Your Survey Matters platform.
- Members requested further information on the methodology used for surveys already undertaken and how appropriate methodology will

be developed for future responses. DCC Kerr advised Members that when all sources of data are aggregated, the response is a national one in that public opinion is influenced by other factors elsewhere in the UK. It was therefore important that data used were reflective of what was happening in Scotland. To assist this, Police Scotland were liaising with members of the Independent Advisory Group to broaden and ensure the right groups were being reached for opinion. DCC Kerr reported that Police Scotland were only attending 37% of calls so the reduction in face to face contact could have an impact on public confidence. Therefore the use of video contact to assist was being accelerated and the weekly review of public confidence data was monitoring the impact of this. DCC Kerr agreed that the methodology for future response should be carried out jointly between SPA and Police Scotland.

- With regards to testing, DCC Graham stated that testing was key to both keeping people at work and keeping people at home therefore rigorous procedures had been developed. Capacity exceeds the number of people who fall within the criteria therefore work is ongoing to expand the criteria and open testing up to family members. DCC Graham confirmed that work continuing in this area is done in conjunction with staff associations.
- Members sought further information on what work is being done with other organisations to support vulnerable people. With regards to reports on domestic incidents and child welfare, CCLivingstone confirmed that the hypothesis is that these areas are underreported. DCC Graham added that these reports are of a high priority at all times and confirmed that as of 29 April there had been no domestic murders in Scotland since Covid restrictions had been imposed. He advised that the nature of calls are changing with an increase in ones relating to stalking and child access disagreements. Child welfare reports have fallen since schools have closed which leave a gap on how to recognise and deal with them. Police Scotland are working with social work and Children's 1st to respond to data collected from these organisations. DCC Graham confirmed that there is tight engagement with close partners and a clear media communications plan on these areas plus cyber-crime.
- Members sought information on how Senior Management are monitoring and reporting the impact of changes on business as

usual. CCLivingstone advised that the response to Covid-19 has allowed the organisation to implement changes quicker. DCO David Page (DCOPage) added there had been a large roll out of several ICT capabilities and equipment which was always planned but has now been accelerated.

- Members questioned whether there were any regional variances in the application of the new powers. CCLivingstone confirmed that consistency and fairness of the application of the new powers was of great importance and this was part of the rationale for the set-up of the Independent Advisory Group. Attendees noted and agreed that the response was a huge advantage of having one force.
- In relation to the strategic objectives in the Gold Strategy, Members questioned how CCLivingstone will measure and report on progress. CCLivingstone responded that the strategy has continued to develop and the Operation Talla structure has mechanisms in place to report on these. He confirmed that progress on these would be included in future reports.

The Board **RESOLVED** to:

- **NOTE** the update.

4. SPA INTERIM CHIEF EXECUTIVE'S REPORT

Lynn Brown (LBrown) referred to the report, highlighting that it complements the information on the SPA website regarding governance and scrutiny as well as other areas of impact such as Independent Custody visiting. She also highlighted the commission of a public opinion survey to gauge level of public trust and confidence.

LBrown thanked all SPA staff and Directors for their work on Covid-19 related tasks in addition to business as usual work.

The Board **RESOLVED** to:

- **NOTE** the report

5. SPA FORENSIC SERVICES

Tom Nelson (TNelson) referred to the written report and provided a summary of the Forensic Services strategic objectives in relation to Covid-19.

TNelson thanked Police Scotland and the Crown Office for their support and guidance and Police Scotland for their support in relation to ICT and Health, Safety and Wellbeing issues.

In response to questions on PPE, TNelson confirmed that staff were engaged with the Health and Safety working group and providing expertise and guidance as required.

Tom Halpin (THalpin) as Chair of the Forensic Services Committee commended the Forensic Services Senior Management Team for their response and leadership.

The Board **RESOLVED** to:

- **NOTE** the report.

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

John Scott QC (JScott) provided an overview and summary of the groups work, highlighting:

- The group would be in addition to and complementary to the scrutiny undertaken by SPA and HMICS.
- JScott confirmed who was on the group, highlighting the wide range of areas which they represent.
- Meetings take place twice a week and there have been four so far, dealing with process. The Terms of Reference have been agreed and are published on the SPA website.
- The new legislation had no lead in time and was implemented overnight which resulted in a lack of opportunity for training and guidance. Due to the circumstances, mistakes are likely to be made by both Police Scotland and members of the public, often unintentional. Therefore, the group is partly a hindsight review but also dynamic and ongoing. JScott provided an example in that autism guidance was provided after the legislation was implemented when under normal circumstance that guidance would have been developed during training.
- Data are important and will inform the group's work, likely raising questions rather than answering them. The group will respond in real time therefore data will be dealt with as and when it is received.

- The group is also keen to gather evidence from the public and there will be a public facing online platform for the public to inform their views and experience. Work is ongoing to establish how those without online access can report.
- It was noted there was value in hearing from both Officers and the public who had been affected by the powers.
- As Police Scotland are making regular public announcements, the group will only report to SPA to avoid confusion on official messaging.
- A formal written report will be provided to the Authority meeting in May 2020.
- JScott paid tribute to the public and Police Scotland for their work and thanked SPA who had provided excellent secretariat support.

CCLivingstone thanked JScott for the level of contact with Police Scotland and partners. He noted that support from the wider policing family has been good.

The Vice Chair thanked JScott for his comments, acknowledging it was not a retrospective enquiry but would advise and report in real time.

The Board **RESOLVED** to:

- **NOTE** the update.

7. COMMITTEE AND OVERSIGHT GROUP REPORTS

The Vice Chair invited Committee and Oversight Group Chairs to highlight any additional information not contained within the written reports.

- **Audit Committee**: Jane Ryder referred to the written report.
- **Complaints and Conduct Committee**: Matt Smith referred to the written report.
- **Forensic Service Committee**: Tom Halpin referred to the written report.
- **Policing Performance Committee**: MEvans referred to the written report, highlighting that the Committee were keen to see progress made on current bandwidth issues.
- **Resource Committee**: EWilkinson referred to the written report.

- **Succession Planning and Appointments Committee:** The Vice Chair referred to the written report confirming that the meeting on 16 April was for planning purposes only.
- **Policing of COP26 Oversight Group:** THalpin referred to the written report and confirmed that the frequency of meetings will be kept under review.
- **CAM Working Group:** MEvans referred to the written report.

In closing the meeting, the Vice Chair acknowledged the range and scale of work SPA staff had been asked to undertake and thanked them for their work.