

AUTHORITY MEETING

29 September 2022

Minute of the SPA Authority Meeting held on Thursday, 25 August 2022.

Board Members Present: Martyn Evans (Chair)
Jane Ryder (Vice Chair)
Paul Edie
Tom Halpin
Alasdair Hay
Katharina Kasper
Grant Macrae
Fiona McQueen
Michelle Miller (MS Teams)
Mary Pitcaithly
Catriona Stewart
Caroline Stuart

In attendance: Police Scotland
Chief Constable Sir Iain Livingstone
Deputy Chief Constable Fiona Taylor (Items 1-7, 9)
Deputy Chief Constable Will Kerr
Deputy Chief Constable Malcolm Graham
Deputy Chief Officer David Page
Assistant Chief Constable Tim Mairs (Item 10)
James Gray, Chief Financial Officer (MS Teams)

Scottish Police Authority (SPA)
Lynn Brown, Chief Executive

Forensic Services
Fiona Douglas, Director of Forensic Services

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HMICS

Craig Naylor, Her Majesty's Chief Inspector of
Constabulary in Scotland (Items 1-6)

SPA Secretariat

Karen Vallance, Governance Support Officer

1. WELCOME AND STANDING ITEMS

The Chair opened the meeting and welcomed all Authority Members and representatives from Police Scotland's senior leadership team to the first in person meeting since February 2020.

The Authority **RESOLVED** to:

- **NOTE** no apologies;
- **NOTE** Lynn Brown declared a connection with regard to Item 14.2.1, confirming she would not take part in the discussion. Paul Edie declared an interest in Item 6 due to his role as Care Inspectorate Chair;
- **NOTE** no other business;
- **AGREE** that, in accordance with paragraph 20 of the SPA Standing Orders, the Board would consider items 12 to 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 23 June 2022;
- **NOTE** the action log. There were no matters arising.
- **NOTE** the establishment of a Forensic Services Toxicology Oversight Group was approved via correspondence since the last meeting.

3. SPA CHAIR'S REPORT

The Chair referred to his report and the implications and shortfall in the budget for the next year if the flat cash settlement is delivered as indicated. The Chair advocated for real terms protection to be reinstated on the grounds of fairness and social solidarity. The Chair confirmed the Authority will work with Police Scotland to achieve service improvement,

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more capacity gains, culture change and ever-increasing efficient use of the police budget.

The Board **RESOLVED** to:

- **NOTE** the report.

4. COMMITTEE CHAIRS' REPORT

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

- Audit, Risk and Assurance Committee
- Legal Committee
- Forensic Services Committee
- Resources Committee

In addition to the written reports, Audit, Risk and Assurance Committee Chair, Mary Pitcaithly, and Vice Chair, Jane Ryder, commended the SPA Audit and Risk team and the Police Scotland COP26 Finance and Procurement Team for their being deservedly shortlisted for a CIPFA UK Public Finance Award.

The Board **RESOLVED** to:

- **NOTE** the report

5. CHIEF CONSTABLE'S REPORT

Chief Constable Sir Iain Livingstone (CCLivingstone) provided a detailed introduction to his report, specifically drawing attention to the following areas:

- Critical incident on the Isle of Skye
- Public Protection
- Recruitment and Selection
- Pay Award
- National Change Event
- Leadership, Promotion and Recognition

In addition to the written report, the following areas were highlighted:

- CCLivingstone noted that Police Scotland's response to future protests and demonstrations will continue to be proportionate in accordance with the rule of law and public safety. CCLivingstone emphasised that policing operations are not determined by

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perceived public popularity and Police Scotland will adhere to the rule of law and act independently. CCLivingstone confirmed he would resist any attempt from any source to unduly influence operational independence. CCLivingstone did not condone the behaviour of some protesters at the Conservative Party leadership event held in Perth and confirmed Police Scotland are reviewing the event, and any criminality identified will be investigated and appropriate action taken as necessary.

- CCLivingstone announced that data on 999 answering times across the UK had been published which demonstrated that Police Scotland performed well in comparison with similar sized UK Police Forces.
- CCLivingstone confirmed the service continues to see an increase in community needs where a police response is provided in the absence of other services. Discussions continue with partner agencies to highlight these issues and ensure people are given the help they require and deserve.
- CCLivingstone noted that the forecast for the year suggests the organisation will have an average of 452 officers below the budgeted establishment of 17,234 and the under-spend on officer pay is offset by a significant increase in overtime and inflationary pressures. The organisation will review the sustainability of high levels of overtime to ensure a balanced budget is maintained and to safeguard officer and staff wellbeing.
- CCLivingstone noted that if the Scottish Government's Resource Spending Review plans for flat-cash allocations for policing are carried through into next year's budget and beyond, policing will not be able to regain and retain the budgeted establishment of 17,234 officers and at the same time make further pay awards. CCLivingstone highlighted that HMICS has recommended that the Scottish Government, the Authority, and Police Scotland should cease to use that number as a target.

In discussion the following matters were raised:

- With regards to policing protests, CCLivingstone emphasised that Police Scotland have a rights based approach to policing but were also clear that with rights comes responsibility and people had a right to be politically active without being threatened or subject to intimidation. Each set of circumstances is determined individually

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but the approach of Police Scotland is to police within the rule of law for public safety.

- Members sought further comment on Police Scotland's leadership work, in relation to equality, diversity and inclusion and heard that due to Police Scotland's role, it has a duty to ensure it is fully representative of the communities it serves. The service has embarked on a programme to achieve long term sustained change where everyone is given the same opportunity for promotion and lateral development. Recent spikes in retirement has resulted in a loss of experience and knowledge but this in turn allows younger officers to move up. Programmes are being refreshed to focus on inclusivity and a focus on 1st, 2nd and 3rd line management.
- Members were assured that a debrief on Commonwealth Games assistance will look at whether learning from COP26 on officer welfare was taken on board.
- Members sought further information on the 'It'll cost you' campaign and heard it ran from May until August with the aim of ensuring people were aware of their responsibilities and duties. A full evaluation is expected by the end of September but early indications show that it did detect people who were buying alcohol for minors, and anecdotally, led to a reduction in anti-social behaviours.
- Members praised convictions for historic crimes and noted it was a reminder for the public that the passage of time has no bearing on police investigation.
- Member sought further information on recent work with Local Authorities and questioned whether there was any difference in issues raised following recent elections. Members heard there had been subtle changes to discussion but substantive issues remained the same. It was confirmed that extensive engagement continued with Local Authorities, COSLA and SOLACE. The last bi-monthly meeting was held in August and one strategic and one tactical issue were discussed, which included current issues relating to funding and the cost of living crisis.
- Members sought further information on the number of Special Constables and their role within the workforce and heard there were just over 500 at present. Members were informed that Special

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Constables have a bigger role within the wider workforce and the Special Constabulary was well established as a clear pathway into service.

- Members questioned confidence levels in recruitment and heard an evaluation of the current recruitment campaign will be undertaken but feedback had shown there was a significant number of people who wanted to join.
- Members praised the work of officers and staff involved in policing the recent Open Championship.
- Members referred to the new Community Justice Strategy and sought comment on current thinking and engagement on implications of the strategy. Members were assured Police Scotland were committed to partnership working and heard the document published outlines the Scottish Government plans for a safe and resilient Scotland. Members heard the National Strategy for Criminal Justice is timely due to cost of living crisis and discussions with Scottish Government were ongoing regarding extending the list of offences which could be dealt with through fixed penalty notices to include low end abuse and threatening behaviour.
- Members sought rationale for the three priorities raised by CCLivingstone and heard that Operational Policing, C3 and Public Protection had been identified as carrying the greatest threat, risk and harm to communities. CCLivingstone emphasised that the organisation will continue to change, develop and take forward key elements of reform.
- Members referred to the multi-agency exercise undertaken and questioned if the initial feedback showed that relationships are still positive. CCLivingstone confirmed they were and the exercise was established in response to change in organisational memory and a debrief will be undertaken.
- Members sought clarity on whether there was a correct mix of electric vehicles and charge points, and heard the infrastructure is inadequate and required expansion, but that is not a problem solely for Police Scotland. Members were informed that roll out of electric vehicles will not be slowed down if capacity is available and feedback so far had been positive.

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- In closing, the Chair referred to the operational independence of the Chief Constable, noting that the Authority can comment and scrutinise but direction is out of scope. The Chair also thanked Police Scotland for keeping the Authority informed as the Skye incident unfolded and praised the officers involved.

The Authority **RESOLVED** to:

- **NOTE** the report.

6. HMICS ANNUAL REPORT

The Chair welcomed Craig Naylor (CNaylor) to the meeting who summarised the recently published HMICS Annual Report. CNaylor drew attention to the following areas:

- HMICS Three year scrutiny plan
- Positive policing response to Covid-19 and COP26
- Challenges facing policing such as violence against women and girls; social media; mental health demand, and the resource spending review;
- Demand and prioritisation.

CNaylor commented he felt the policing environment had improved in recent years, and commended the leadership and senior management in both the Authority and Police Scotland.

In discussion the following matters were raised:

- CNaylor confirmed HMICS noted a 34% of calls responded to did not result in a crime being reported therefore they were keen to understand how that demand can be transferred to different ways of reporting or for other partners to respond.
- Members were advised that reduction of Group 5 crime (crimes against society) was a concern to HMICS but it was felt it was due to how it was dealt with during the pandemic and other increasing demands on C3. CNaylor commented he was happy to discuss proactive policing further at a future Policing Performance Committee.
- Thanks was given to HMICS for their contribution to the Policing of COP26 Oversight Group.
- Members sought comment on whether the fluctuations of the number of successful officers for PNAC was expected. CNaylor

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confirmed he was surprised no officers were successful last year and he expected Scotland to be a net exporter of Senior Officers.

- The Chair commented that HMICS was critical to inspection and oversight of policing and the Authority replied on their reports.

The Authority **RESOLVED** to:

- **NOTE** both report

7. SPA CHIEF EXECUTIVE'S REPORT

Members considered the report which detailed activities involving SPA corporate staff since the previous Authority Meeting and sought approval for an update to the Terms of Reference for the Forensic Toxicology Oversight Group. Lynn Brown (LBrown) highlighted a number of key points as detailed in the paper.

The Authority **RESOLVED** to:

- **NOTE** the report
- **APPROVE** the updated Terms of Reference for the Forensic Toxicology Oversight Group.

8. FORENSIC SERVICES DIRECTOR'S REPORT

Members considered the report which provided an update on recent key activities across Forensic Services. Fiona Douglas (FDouglas) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Forensic Services Committee Chair, Paul Edie, confirmed good progress was being made in progressing the back log of drug driving cases, and the Committee would be looking in more depth at reports of spiking. Both areas would be reported to the future Authority meetings through the Committee Chairs reports.
- Members sought further comment on organisational change and heard it was at a challenging point as implementation was beginning. FDouglas recognised the service was operating in different circumstances and as such, the scope and pace of change needed to reflect the current financial climate. Nevertheless, Forensic Services is committed to the direction of change and have developed an initial strategic workforce plan.

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- Referencing the drug driving outsourcing contract for the current year, Members questioned the long term sustainability to meet growing demand. FDouglas responded that it was a temporary fix and long term sustainability was required to bring about a medium and long term solution.
- DCC Malcolm Graham (DCCGraham) welcomed the joint working in relation to drug driving and the Oversight Group established. DCCGraham noted the increase in reports of spiking and drug driving and highlighted that focus in these areas is underpinned by capacity. DCCGraham emphasised Police Scotland's commitment to continued joint working.
- The Chair advised Members he would write to the Cabinet Secretary for Justice to provide an update on Drug Driving testing.

The Authority **RESOLVED** to:

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

Chair to write to Cabinet Secretary for Justice to provide an update on Drug Driving testing.

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9. SPA FINANCIAL REGULATIONS

Members considered the report which sought approval for updates to the Authority's Financial Regulations and the Authority's Corporate Governance Framework. LBrown highlighted a number of key points as detailed in the paper.

Resources Committee Chair, Grant Macrae, confirmed the Committee were content to recommend.

The Authority **RESOLVED** to:

- **APPROVE** the revised financial regulations and the updated SPA Corporate Governance Framework.

10. LOCAL POLICING SERVICE DELIVERY REVIEW

Members considered the report which provided an update on the planned activity within the Local Policing Service Deliver Review. ACC Tim Mairs

highlighted a number of key points as detailed in the paper, and highlighted the following areas:

- The review had a high level of ownership and the focus was on service delivery. Level of demand was well understood but work would also focus on the impact of demand.
- The timing of the review was based on having a more comprehensive understanding of demand, maturity and confidence in data, and a good relationship with key partners.
- The programme is recruiting and a proposal for oversight will be established, with support from SPA.

In discussion the following matters were raised:

- Members sought more detail on community engagement work and heard that the Police Scotland strategy and insights team have undertaken a large amount of community engagement which will inform approach. At a local level, all partners will be engaged with through established oversight groups.
- Members sought comment on wellbeing and work load measurement for staff, and heard the demand and productivity unit has provided demand detail but the review allows the human element and experience to be collated and responded to.
- Members questioned whether additional data was required and heard the model was flexible to take account of seasonal demand.
- Members sought clarity on why 12 months was required for the initial stage and heard the main challenge was around recruitment. The team had a large proportion of police officers and while there may be space for additional numbers, the timeline was realistic against current plans.
- Members sought clarity on how a review of local areas would provide a national picture and were informed the proof of concept was to assist in a successful roll-out. Further discussions would be held on the balance between national support and local work.
- Members questioned how all partners will be involved in a collaborative capacity and heard it was a challenge that would be broached during the design phase but the approach would allow both local and bespoke partnership.
- Members raised concern on the level of detail in the paper and heard it was intentional due to the review being collaborative and led in partnership. The Chair noted it was critical the review was a

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collaborative effort with local government colleagues and civil society.

The Authority **RESOLVED** to:

- **NOTE** the report

11. FINANCIAL PERFORMANCE QUARTERLY REVIEW

Members considered the report which provided an update on the financial position for the SPA and Police Scotland for Quarter 1 of the financial year 2022/23. James Gray (JGray) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Resources Committee Chair, Grant Macrae, confirmed the report was consistent with the Committee discussion. Whilst noting the end of Q1 is still an early stage, the Committee is interested to know of any challenges or barriers for rest of financial year, and the Committee will continue to discuss impact of inflation.
- Members were informed that some of the numbers reported are illustrative of pressures and effects on service, such as allocating underspend to police overtime in order to maintain service delivery. Whilst the increase in overtime has welfare risks for officers and staff, management action is also taken from a budgetary perspective because if the overtime increase continues for the rest of year the organisation will be over budget.
- Members were also informed that the estates team have been directed not to carry out repairs and maintenance unless it is for health and safety measures. Preventative work therefore is not being carried out which is noneconomic.
- The Chair requested that Resources Committee look at police overtime issues, and also look at the welfare impact of overtime jointly with the People Committee.

The Authority **RESOLVED** to:

- **NOTE** the report

End