



<b>Meeting</b>	<b>Authority Meeting</b>
<b>Date</b>	<b>22 February 2024</b>
<b>Location</b>	<b>Merchants House, Glasgow</b>
<b>Title of Paper</b>	<b>SPA Chief Executive's Report</b>
<b>Presented By</b>	<b>Lynn Brown, Chief Executive</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Yes –</b> <b>Appendix A:</b> Protocol relating to Police Appeals Tribunals Public Hearings <b>Appendix B:</b> Objectives, scope and methodology for HMICS Validated Self-Evaluation of the Authority <b>Appendix C:</b> Meeting of Scottish Railways Policing Committee; 22 November 2023.

**PURPOSE**

To update Members on activities carried out by the Authority's Chief Executive since the November 2023 Authority meeting.

Members are recommended to consider this report and to raise any matters for clarification or further detail with the Chief Executive.

## 1. Background

- 1.1. This report provides Members with an update on key Authority business not already covered elsewhere on the agenda.

## 2. Correspondence with Criminal Justice Committee

- 2.1 Members will recall that the Authority has been corresponding with the Criminal Justice Committee on a range of issues including mental health in policing, officer wellbeing and our review of Ill Health Retiral and Injury of Duty processes following backlogs. We made several commitments last year to keep the committee sighted on improvements and progress on these matters. [The most recent correspondence providing an update on improvements to date was submitted in January 2024.](#)

## 3. Police Appeal Tribunals

- 3.1 The Police Appeals Tribunals are administered by the Authority. Police Appeals Tribunals hear appeals from police officers against decisions to dismiss them, or to demote them in rank, because of misconduct proceedings brought against them.
- 3.2 Each Police Appeals Tribunal is made up of three independent lawyers chosen from a pool appointed by the Lord President of the Court of Session. The appeals process is governed by the [Police Appeals Tribunals \(Scotland\) Rules 2013](#). Rule 12 states that hearings must be heard in public unless the tribunal with the consent of the parties, directs that a hearing, or part of it, is to be heard in private.
- 3.3 The Police Appeals Tribunals to date have been held in public but the Authority is endeavouring to promote the visibility and transparency of the hearings. Therefore, the Authority has put in place a protocol outlining the procedures for holding Police Appeals Tribunals in public. This is appended to my report at Appendix A. Key stakeholders, including staff associations have been consulted on the new procedures which will be applied to all appeals to a Police Appeals Tribunals arising from misconduct proceedings which commenced on or after 1 January 2024.

## 4. HMICS Validated Self-Assessment

- 4.1 Members are aware that HMICS was scheduled to undertake a light touch assessment of the Authority's corporate function following its more detailed Thematic Inspection in 2019. The focus of the HMICS

assessment is the effectiveness of the Authority's new arrangements, its continuous improvement and its core role and governance approach. It was agreed that the Authority would undertake a self-assessment process which HMICS would validate. The objectives, scope and methodology for this work are set out in correspondence sent to me in December 2023. I have appended this to my report at Appendix B.

- 4.2 The basis of the Authority's self-assessment has been our annual self-assessment against the seven Best Value themes described in the Scottish Government's guidance for Accountable Officers. This work was reported to the [Audit, Risk and Assurance Committee in November 2023](#). This has been supplemented with further detail and evidence for HMICS in relation to the Authority's overall improvement journey since the last inspection in 2019.
- 4.3 The Authority has provided a wealth of evidence to support the evaluation and we are meeting weekly with HMICS to address any further requests. I am grateful to HMICS for the ongoing dialogue and support. HMICS will interview a number of Board members and Authority staff throughout February 2024 and we expect the findings to be published by HMICS in the Spring.

## **5. Mental Health, Vulnerability and Policing**

- 5.1 The Authority's work in relation to mental health, vulnerability and policing continues. A Mental Health Distress Partnership Delivery Group has now been established as a time limited delivery group with membership from the Scottish Government, Police Scotland and the Authority. The group will meet monthly to coordinate the range of activities currently underway in relation to the policing system's response to mental health distress.
- 5.2 These activities align to, and supplement, the policing system response to recommendations from the recently published [HMICS thematic review of policing mental health in Scotland](#). The group will be focused on addressing issues identified within the review to reduce the demand on policing, in particular, the need for police officers to attend at and remain within Emergency Departments, often for prolonged periods.
- 5.3 A series of local area partnership workshops are planned for March and April 2024 to explore the different approaches in place in different localities, identify best practice, and discuss continuing challenges. These workshops will involve NHS practitioners, social

care and police representatives, and will be facilitated by the Authority and Scottish Government.

- 5.4 A summary of progress will be reported through individual organisational governance routes. Formal reporting of progress will take place through the Authority's Policing Performance Committee on a 6 monthly basis.

## **6. Performance Summary 2022/23**

- 6.1 We have recently published a [performance summary](#) of the previous year, summarising and simplifying the content of the Annual Report and Accounts. This format is part of our ongoing work to enhance the accessibility of Authority governance, oversight and support for policing and forensic services as described in the Authority's [Corporate Strategy](#). This approach will continue into development of the Annual Report and Accounts for 2023/24.

## **7. Knowledge Exchange Events**

- 7.1 Over the last two months the Authority's corporate team have had the pleasure of hosting two knowledge exchange visits with colleague from other policing oversight bodies.
- 7.2 On 16 and 17 January 2024 we hosted a delegation from the Office of the West Midlands Police and Crime Commissioner. On day one of the visit the teams discussed the structures, and responsibilities of both organisations covering topics such as public confidence polling, engagement with communities and local government, benchmarking, and oversight and scrutiny of policing performance and transformation. The Authority's corporate team, along with board member Tom Halpin, also learned more about the development of the West Midlands Fairness and Belonging Strategy and the work of the OPCC on understanding disproportionality. Day two was focused on a visit to Levenmouth, to meet with representatives of the local community confidence project team, including local divisional reps and partners. I want to thank our OPCC colleagues for taking the time to visit the Authority, and look forward to further discussions on areas of learning and sharing practice.
- 7.3 A further knowledge exchange visit took place on 15 and 16 February 2024 with the executive team from the Policing Authority for the Republic of Ireland. Over the two-day visit colleagues discussed community safety and relationships with community safety partnerships at a local and national level, benchmarking,

community confidence, academic partnerships such as SIPR, and the Authority's Independent Custody Visiting Scheme. I also had the opportunity for a discussion with Chief Executive Helen Hall on engagement with staff associations, policy directions and upcoming structural changes in the Republic of Ireland. The visit also allowed Policing Authority colleagues to meet with HMI Craig Naylor and team to understand the role of the inspectorate in Scotland. This visit is the continuation of a programme of knowledge exchange with the Policing Authority which began last summer, with further engagement and sharing of approaches planned.

## **8. Recorded Police Warnings Seminar**

- 8.1 Members will recall that we discussed Police Scotland's use of Recorded Police Warnings at our Board meeting in September 2023. Following discussions with Police Scotland, an online seminar has been arranged to discuss public policy issues related to the use of recorded police warnings and other forms of diversions. We have agreed a date of Monday 8 April 2024 (13:00 – 15:00hrs). We will share more information about the session in due course.

## **9. Scottish Railways Policing Committee**

- 9.1 A meeting of the Scottish Railways Policing Committee (SRPC) took place on Wednesday 22 November 2023 and was hosted at the Authority's offices in Glasgow. The SPA was represented by Authority Members Tom Halpin and Mary Pitcaithly.
- 9.2 A full report from the November 2023 meeting is included at Appendix C. The next meeting is due to take place on Tuesday 5 March 2024.

### **RECOMMENDATIONS**

Members are invited to discuss the contents of this report.

## **Appendix A**

### **PROTOCOL RELATING TO PUBLIC POLICE APPEALS TRIBUNALS HEARINGS**

#### **Background**

Police Appeals Tribunals hear appeals from police officers against decisions to dismiss them, or to demote them in rank, as a result of misconduct proceedings brought against them. Each Police Appeals Tribunal consists of three independent lawyers chosen from a pool of experienced lawyers appointed by the Lord President of the Court of Session. The Scottish Police Authority is responsible for the administration of Police Appeals Tribunals.

The appeals process is governed by the Police Appeals Tribunals (Scotland) Rules 2013 (“the Rules”). Appeals are normally considered by tribunals at a hearing where the tribunal members hear oral representations from representatives on behalf of both the appellant (ie the police officer in question) and the respondent. Where the appellant is a senior officer of Police Scotland (ie an officer of the rank of Assistant Chief Constable or above) the respondent is the Authority. In all other cases the respondent is the Chief Constable of Police Scotland. Witnesses called by the parties may also give evidence at a hearing.

#### **Public hearings**

Rule 12 of the Rules stipulates that all hearings must be heard in public unless the tribunal with the consent of the parties directs that a hearing, or a part of it, is to be heard in private. Accordingly there may on occasion be circumstances where a hearing, or certain parts of it, needs to take place in private.

Where a hearing, or a part of it, is to be held in public, the Authority will intimate the hearing in advance on the Authority’s website ([www.spa.police.uk](http://www.spa.police.uk)) at least 14 days before the date of the hearing. The intimation will be in the following format :-

“A hearing of an appeal to a Police Appeals Tribunal by *[name of appellant]* will take place on *[date of hearing]* at *[name and address of venue]*. The proceedings will commence at 10.00am. Any individual wishing to attend the hearing to observe the proceedings should intimate their intention to attend the hearing to the Authority at least 3 working days in advance of the hearing by sending an email containing their name and address to [SPALegal@spa.police.uk](mailto:SPALegal@spa.police.uk).”

Any individual who attends a hearing without first advising the Authority of their intention to attend may be denied entry to the hearing at the Tribunal’s discretion.

#### **Procedure at a hearing**

No recording equipment, photographic or audio, is allowed in the hearing room.

Mobile telephones must be turned off during the proceedings.

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No social media reporting is allowed while witnesses are still giving evidence.

Attendees should not enter or leave the hearing room until there is a break in the proceedings.

Refreshments will not be provided.

Attendees must not disrupt the proceedings in any way. Any disruption to proceedings may result in attendees being asked to leave the hearing room.

### **After a hearing**

Copies of the written decision of the tribunal – which will include a statement of the reasons for the decision - are subsequently issued to both parties via the Authority.

Please note that the Rules do not provide for copies of a decision of a Police Appeals Tribunal to be issued to anyone other than the parties.

**OFFICIAL**

## Mr Craig Naylor

HM Chief Inspector of Constabulary

Martyn Evans  
Chair  
Scottish Police Authority  
1 Pacific Quay  
Glasgow  
G51 1DZ

05 December 2023

Dear Martyn

### Notification of inspection

His Majesty's Inspectorate of Constabulary in Scotland (HMICS) published its Scrutiny Plan 2022-25 on 12 April 2022 (latest update August 2023). In accordance with our statutory remit, these inspections will assess the state, efficiency and effectiveness of the relevant areas in relation to Police Scotland and the Scottish Police Authority.

As per our Scrutiny Plan 2022 – 2025, we will now be inspecting the Scottish Police Authority, with a focus upon the effectiveness of its new arrangements, its continuous improvement, and its core role and governance approach. This inspection takes the form of a strategic review, designed to be short, sharp and to minimise the impact on the area of inspection. As such, we will be conducting a validated self-evaluation, assessed against best value criteria. The objectives, scope and methodology for this strategic review are set out below.

#### 1. Aim

The primary/overall aim of this strategic review is to assess the state, efficiency and effectiveness of the SPA in terms of fulfilling its core role and scrutinise how it is meeting its statutory obligations, through a validated self-evaluation process.

#### 2. Objectives and outcomes

The proposed objectives of this inspection are as follows:

- Assess the journey of improvement undertaken by the SPA since the 2019 HMICS inspection.
- Provide assurance on the effectiveness of Board members in fulfilling their core responsibilities of maintaining policing, supporting continuous improvement and holding the Chief Constable to account.
- Provide assurance on the results and supporting evidence provided from the SPA Best Value Self Evaluation.
- Provide assurance on the quality and effectiveness of the Self Evaluation process undertaken by the SPA.
- Provide assurance on the readiness of the SPA to fulfil its statutory Best Value duties.



### 3. Scope and exclusions

HMICS will consider the fundamental role of the SPA, set against the original policy intentions which created it and subsequent legislation. The review will also involve benchmarking against other jurisdictions and models of governance and best value. Observation of SPA Committees will form part of this review, but will be limited to inclusion of:

- Board Meeting (Full)
- Audit, Risk and Assurance (ARAC)
- Resources Committee
- Policing Performance Committee
- Complaints and Conduct Committee
- People Committee
- Lega Committee
- Exceptional Circumstances Committee.

HMICS will be considering the role of the SPA at a strategic level and will not be inspecting day to day operations in detail. The SPA Self-Evaluation that forms the basis of this review is limited to its corporate functions. The SPA Forensic Services function will not be inspected in this review. However we will take into account our previous inspection findings on the effectiveness of the SPA Forensics Committee. The Independent Custody Visitor Scotland (ICVS) function will also not be inspected as part of the review.

Whilst the inspection takes consideration of Best Value themes and guidance given that the SPA SE is structured around these, it is not a best value inspection and therefore HMICS will not be making a best value judgement on the basis of the review.

### 4. Methodology

This inspection takes the form of a HMICS Strategic Review. As such, HMICS provides assurance that the footprint of this inspection will be carefully managed and will make use of existing evidence as much as possible, without duplicating work already undertaken or planned. As such, HMICS commits to using the Self-Evaluation conducted by the SPA based around the seven Best Value Themes. Self-evaluation and evidence relating to Board Member development, the SPA Improvement Journey, and the quality of the Self-Evaluation process and quality of the evidence supplied will also form part of the Strategic Review.

The inspection process will involve some engagement with key stakeholders, undertaking interviews, meeting observations and document review.

Between December 2023 and March 2024, we will:

- Identify a single point of contact for HMICS in the SPA to support the review process and to facilitate appropriate access to people and information
- Liaise regularly with the SPA and maintain ongoing engagement with other key stakeholders
- Analyse the self-evaluation and other evidence provided by the SPA and consider relevant documentation in the public domain. Where possible we will minimise the amount of further documents requested, but this will depend on the quality of evidence provided in the self-evaluation. Additional requests may emerge during the course of the inspection.
- Conduct a small number of interviews with key stakeholders within the SPA and PS. These will be conducted with the aim of providing further information to fill any gaps and provide context and further detail where required.
- Continue to observe SPA Committee meetings, and evaluate HMICS notes from these meetings, as well as SPA Committee Effectiveness Statements.



- Conduct additional document review where relevant, including benchmarking against other models of self-evaluation/best value.

In validating the SPA Self-Evaluation, the HMICS approach will include consideration of:

- The relevance, sufficiency and reliability of data and evidence gathered and what this reveals in relation to strengths and weaknesses.
- Outcomes from the implementation of strategy, policy, specific operations, tests of change or other improvement activity; how was this evaluated; what was the learning; was learning cascaded to others to support ongoing improvements.
- Evidence of assessing progress and impact in relation to strategy, policy or plans
- The impact that strengths and weakness have on service delivery.

## 5. Publication and reporting timescales

We will publish a report of our strategic review in Spring 2024. The report will be published in terms of Section 79 of the Police and Fire Reform (Scotland) Act 2012. A copy of the report will also be provided to the Chief Constable of Police Scotland, the Scottish Police Authority and the Cabinet Secretary for Justice and laid before the Scottish Parliament. A copy will also be made publicly available on the HMICS website.

In the meantime, should you wish either to discuss the scope of the work with myself, or have any questions about our inspection, please do not hesitate to contact us. Enquiries should be directed to Annie Crowley, Lead Inspector for this inspection (email: [Annie.Crowley@hmic.gov.scot](mailto:Annie.Crowley@hmic.gov.scot)).

Yours sincerely



**Craig Naylor**

HM Chief Inspector of Constabulary

Copy to:

Lynn Brown            SPA Chief Executive

Chief Constable      Police Scotland

Don McGillivray      Scottish Government



## Summary report from the Scottish Railway Policing Committee

**Wednesday 22 November 2023**

**SPA Members – Tom Halpin and Mary Pitcaithly**

### BTPA Member

Committee members welcomed new BTPA Scotland Member Iain Whyte to the Scottish Railway Policing Committee. Mr Whyte observed the November committee and will formally assume the role of Chair of the Scottish Railway Policing Committee following November committee.

### Strategic Risk Profile

Members noted an SRPC-specific risk product was still in development and would be submitted to the March 2024 meeting.

In the meantime, members were briefed on the force wide strategic risks for Q2. Members noted the reduction in the Technology risk which has seen the residual risk score reduced from 12 to 9. This was predominantly due to targeted investment in technology across BTP and enhanced cyber resilience through partnership working.

The 'income' risk score has increased from 12 to 16 this quarter due to the financial pressures the force faces. This has also impacted on a change in the risk trajectory from reducing and stabilising over the short and long-term to increasing for both periods. The change to the in-year financial position will impact on all risks to a greater or lesser degree; this will be kept under close review.

### Policing Plan Performance quarter 2 (Q2) 23/24

Members were briefed on a 15% rise in crime cross D Division (Scotland) for the April-September 2023 period. It was noted that this increase was largely in relation to the two main travel hubs of Edinburgh and Glasgow. It was also noted that part of this increase was being attributed to encouraging reporting of crimes and other incidents across the network, and promotion of the Railway Guardian app.

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Detection rates for violence against passengers and staff were high and at the end of Q2, with recorded violence (all victims) broadly in line with the same period last year (280;+3%). Members noted that violence against staff members was 16% higher than last year (+8) and deserved further scrutiny. BTP are delivering regular inputs to frontline ScotRail conductors, ticket examiners and barrier staff with guidance around conflict avoidance.

Anti-social behaviour incidents (immediate and priority grade) were down 8% (YTD from 22/23). Members commented that the reported reduction in ASB does not appear to align with public perception which shows ASB as a top priority, and that further consideration of how ASB is tackled and prioritised would be welcome. Members were assured that BTP was working with Police Scotland to deliver effective Christmas plans at rail hubs. Members also heard that Operation OVERHAND (BTP response to the Israel/Gaza conflict) was a current resource-pressure on BTP.

### Joint working Police Scotland / BTP

In this standing update attention was drawn to the joint working between BTP and Police Scotland during the UCI World Cycling Championships. Police Scotland shared space within the Multi Agency Control Centre alongside other agencies (BTP, Scottish Ambulance Service, Scottish Fire and Rescue Service, and UCI) to ensure impactful tactical decisions could be shared.

The reporting period also saw particular focus on tackling organised crime and county lines. Planning was progressed for the County Lines National Intensification week in October, with joint working and enforcement activity taking place across Scotland. Further awareness raising took place within Glasgow Central Station with various key partners including BTP County Lines Task Force Safeguarding Lead, Crimestoppers "Fearless Campaign" Railway Children charity and Police Scotland Human Trafficking unit.

Members praised the multiagency response to the Ayr station fire on the 25 September 2023. This response involved Police Scotland, BTP, Scottish Fire and Rescue Service and the Scottish Ambulance Service who followed the major incident protocol, even though a major incident was not declared officially. This allowed for excellent communication between all partners to establish no people were in the burning building and cordons put in place to secure the area.

## D (Scotland) Division Police Plan Annual Review 2024/25

Members were updated on the year two refresh of the 2022-25 Railways Policing Plan for Scotland. Although a light touch review, BTP has carried out substantial engagement including local stakeholder events, a public consultation and BTP's Rail Staff Survey.

The public consultation received 181 responses from Scotland and showed that the perception of safety for Scotland is similar to the national picture, with 67% of those surveyed feeling safe. This is a significant improvement for Scotland when compared with 2021 when only 46% said they felt safe. Overall, respondents named anti-social behaviour (ASB), violence and sexual offences as the top three crime priorities for Scotland.

Members noted the planned amendments to the D Division Policing Plan, including the movement of hate crime into the confidence metric of the plan. Members were encouraged to consider what metrics the Committee should focus its scrutiny on in 2024.

### Thematic briefing: Trespass

Members were briefed on how trespass was recorded by both Network Rail and BTP and were assured that plans to introduce drones on rail routes would be properly consulted on with the Committee and wider stakeholders. Members recommended that Network Rail Scotland be invited to the March 2024 meeting.

### Annual Report: Providing Best Value (VfM) in Scotland

Members noted the annual report on providing Best Value in Scotland and recommended that BTPA carry out further work to establish whether the proportion of indirect costs – which were critical to operational delivery – in Scotland matched those of other BTP Divisions.

### Audit and Inspection Update Q2 2023/24

BTP is currently tracking 58 recommendations from force-wide Government Internal Audit Agency (GIAA) audits and HMICFRS inspections. During this reporting period, there has been minimal audit and inspection to report in Scotland and there are currently no open recommendations which are specific to activity or process in Scotland.

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Members noted reference made to BTP in the recent HMICS thematic review of mental health and welcomed the reference to BTP's Harm & Reduction Team and the benefits this is bringing. Members also noted the recommendation on providing "ready access to, and encourage the use of," Police Scotland's Interim Vulnerability Database to BTP.

End