

BOARD MEETING
28 February 2019

**Minute of the Scottish Police Authority Board Meeting held on
Thursday, 28 February 2019 in The Beacon Arts Centre, Greenock**

(This meeting is available to view through our dedicated Livestream channel:
<https://livestream.com/SPA/Greenock>)

Board Members Present: Susan Deacon (Chair)
David Crichton (Vice Chair)
Gordon Dewar
Martyn Evans
Tom Halpin
Robert Hayes
Grant Macrae
Michelle Miller
Mary Pitcaithly
Jane Ryder
Matt Smith
Caroline Stuart
Elaine Wilkinson

Apologies: None

In attendance: Scottish Police Authority (SPA)
Hugh Grover, Chief Executive
Tom Nelson, Director of Forensic Services (*Item 8*)

Police Scotland (PS)
Deputy Chief Constable (DCC) Will Kerr
Deputy Chief Constable (DCC) Fiona Taylor
Assistant Chief Constable (ACC) Gillian MacDonald
Deputy Chief Officer (DCO) David Page
James Gray, Chief Financial Officer (*Item 9*)
Yvonne Johnston, Estates Transformation Lead (*Item 10*)

SPA Secretariat
Catherine MacIntyre, Head of Business Services
Karen Vallance, SPA Committee Co-ordinator

1. WELCOME AND STANDING ITEMS

The Chair opened the meeting and welcomed Councillor McEleny from Inverclyde Local Police and Fire Scrutiny Committee noting that she would be attending a meeting of the Scrutiny Committee in April. The Chair also welcomed Baillie Elder and Tom Jackson from Glasgow City Council and advised that she would also be meeting with them soon.

The Vice Chair commented on the local engagement activities that Board Members had taken part in on the previous day. These included meetings with the local area Commander, Superintendent Gordon Crossan, plus elected Members and leaders of Inverclyde Council, followed by meetings with local community groups.

It was noted that the meetings had provided Members with consistent messages on local policing preventative approaches and successful partnership working. An example of those approaches – ‘Project 22’ was detailed to Members. Thanks were recorded to all those involved.

The Chair advised that the Chief Constable had tendered his apologies for the meeting but had submitted a Chief Constable’s Report for Item 3, which would be presented by DCC Fiona Taylor.

The Board **RESOLVED** to:

- **NOTE** that there were no apologies;
- **NOTE** that Michelle Miller declared an interest in Item 10, in her capacity as Chair of the Scottish Children’s Report Administration.
- **ADOPT** the minute of the 30 January 2019 meeting without amendment;
- **NOTE** the action log with the exception that action 300119-SPABM-004 remain open, and that there were no matters arising;
- **AGREE** that, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Board would consider items 14 - 18 in private for the reasons set out on the agenda.

2. SPA CHAIR’S INTRODUCTION AND REPORT

The Chair introduced her paper which provided an update on recent activities undertaken and significant areas of development since the previous Board meeting, highlighting:

- Significant work had been undertaken with regard to the Staff Pay Reward and Modernisation Project over the last 5 years. The changes had been backed by an additional investment of £23million in the overall staff pay and reward package. The proposed employment package had been accepted following a ballot of Trade Union Members. Thanks were recorded to HR teams within Police Scotland and the SPA and to the trade unions for work taken forward in a complex and challenging project.
- The Chair advised that a recruitment process for a new Deputy Chief Constable would go live on Friday 1 March and the Authority would shortly be launching a recruitment process for a new Assistant Chief Constable. The arrangements for these recruitment processes were being overseen by the Succession Planning and Appointments Committee which had evidenced the recruitment processes designed last year to be robust.

The Board **RESOLVED** to:

- **NOTE** the report.

3. CHIEF CONSTABLE'S REPORT

Prior to introducing the report, DCC Taylor referred to the murder of Alesha McPhail and subsequent trial, recognising the challenging circumstances for Police Officers and staff involved. Thanks were recorded to Officers and staff for their professional and sensitive handling of a very challenging case. She particularly noted that her thoughts, and those of everyone at Police Scotland, were with the family and friends of Alesha.

DCC Taylor introduced the report which provided Members with information relating to the Police Service, policing and the state of crime, highlighting:

- A dedicated team from Emergency, Event and Resilience Planning had been established to focus on contingency planning for EU exit. A co-ordination centre will monitor, report and respond throughout the EU exit period. A more in depth report on Brexit contingency planning would be discussed further at Item 4.

- The Scottish Policing Excellence Awards took place on 1 February 2019, which recognised the outstanding commitment and achievement of officers, staff, special constables and policing partners. The Chief Constable was impressed by the professionalism, dedication, and shared passion for public service and policing demonstrated by all nominees and winners.

The report also advised the Board that a recent ballot of trades union members had accepted the proposed employment package offered under the staff pay and reward modernisation and the project was now continuing toward implementation. A two year detriment payment protection and continued HR support was being offered to any staff who may be negatively impacted by the changes.

In discussion the following was raised:

- There were no current plans for further rollout of the 'The Slide' initiative based in Fife. However, further evaluation of good practice and organisational learning across all initiatives would be built into the Local Policing programme and consideration given to how initiatives might be spread more widely, but recognising local circumstances.
- DCC Kerr was asked to comment on the apparent rise of sectarianism and related violence at football matches. He noted that while the vast majority of fans go to matches peacefully, he was surprised at how much sectarianism was seen as normal and the amount of disorder and aggression displayed to officers. DCC Kerr advised that the Independent Review of Policing at Football was due to be launched in the week commencing 4 March 2019, where a number of recommendations for improving policing were anticipated. DCC Kerr advised that an element of the review was to look at public health and safety, not just policing, therefore a partnership for collective working towards some recommendations was also required. The Chair requested that Police Scotland continue to provide the Board with visibility of this work, and noted that the continued development of collaborative working should be further nurtured to drive improvement.

The Board **RESOLVED** to:

- **NOTE** the report

4. BREXIT CONTINGENCY PLANNING

DCC Kerr introduced the report which provided Members with an update on the current Police Scotland plans in relation to the UK's exit from the EU, highlighting:

- Police Scotland were working as part of an integrated Scotland approach based on the Scottish Guidance on resilience, which is founded on the UK Government's contingency planning assumption 'Operation Yellowhammer' based on a Reasonable Worst Case Scenario. The system in place for managing contingency and planning issues is more mature in Scotland and is slightly ahead of the rest of the UK. Potential issues around border disruptions; protests and demonstrations; food and fuel shortages; rise in hate crime; and exploitation of legislative gaps by Serious and Organised Crime groups have not yet manifested, but work with partners was in place to try to mitigate against those risks.
- Police Scotland has set 5 strategic priorities for the 'Operation Yellowhammer' period with the top priority being 'to maintain law and order in Scotland and provide a lawful and proportionate policing response to any protest'. DCC Kerr highlighted that, given the wide variety of possible scenarios, the force will stand-up additional resources if necessary, to offer flexibility and to provide support to 'business as usual' activities.
- DCC Kerr advised that the Chief Constable held the operational responsibility on the decision to agree mutual aid to other police forces; although no mutual aid had been requested thus far.

The Chair thanked DCC Kerr for the update and noted also that the Board had been provided with a full copy of 'Preparing Scotland', the Scottish Government guidance on resilience. The Chair reinforced that the Board had been regularly briefed on Police Scotland's Brexit planning and updates would continue to be given in public to ensure public awareness of Brexit preparedness. The Chair also reinforced the Chief Constable's full responsibility for operational decisions, including mutual aid, however noting that he would be held to account in public for any decisions.

In discussion the following points were raised:

- DCC Kerr was asked to provide details about how Police Scotland were able to cope with the Brexit timetable shifting both fast and

often. He explained that there are permanent plans in place to deal with competing demands, which is a regular occurrence for the service as the second largest police force within the UK. With regard to specific Brexit competing demands, these would be dealt with through the five strategic priorities.

- In relation to the decision on standing up/down of extra officers, DCC Kerr advised that the bi-weekly strategic meetings which look at current intelligence and partnership arrangements would influence any operational decision taken. It was noted that the full cost of the additional resource carried a liability therefore even if additional officers were stood down, the respective budget still had to be managed. The Chief Executive confirmed that Scottish Government had been made aware of both the cost and budget implications, but a detailed response was still awaited.
- The Chair requested further information on Police Scotland's working relationship within the business sector. DCC Kerr responded that Police Scotland managed those relationships through Local Resilience Partnerships and other Scottish Government forums where Police Scotland were represented.
- In response to a question about whether leadership changes and planning for Brexit was having an impact on Police Scotland's ability to progress transformational change, DCC Kerr advised that impacts on transformation were linked to funding rather than Brexit. He noted it would take significant disruption for business as usual areas, including the transformation programmes, to be impacted.
- DCC Kerr was asked to provide information on how Brexit related risk assessments can be dynamic during so many changes. He advised that currently each potential risk was being looked at under a Reasonable Worst Case Scenario. The risk process requires a defined starting point which Police Scotland does not currently have.

The Chair closed the discussion by noting her appreciation for the work progressed so far and advised Members that regular updates from Police Scotland would be received.

The Board **RESOLVED** to:

- **NOTE** the report.

5. SCOTTISH CRIME AND DRUG ENFORCEMENT AGENCY (SCDEA) LEGACY MATTERS

DCC Taylor introduced the report which provided Members with an update on Police Scotland's response following the judgement of Lord Brailsford on 31 January 2019 in a civil action concerning a former Grampian Police officer who was seconded to the former Scottish Crime and Drug Enforcement Agency (SCDEA). DCC Taylor further highlighted;

- Police Scotland would be appealing the judgement by Lord Brailsford.
- The Chief Constable had instructed DCC Taylor to lead a review as noted in the report. The review would conclude and report by the end of March, after which the Chief Constable will consider what, if any, further actions may be required.
- The officers involved in the investigation have no link to the SCDEA.
- Undercover policing currently utilised is both rigorous and a key tactic in policing serious organised crime.

The Chair requested that a further report be brought for the Board's attention, following the conclusion of the review.

The Chair broadened the discussion, making a wider and general point about how we most effectively hold the chief constable to account and give public visibility to sensitive policing issues. She stated that there is a responsibility on all of us to do that as effectively and responsibly as possible which requires us to more clearly distinguish between what has happened in the past compared to current practice; to respect and allow legal processes underway to proceed; and, to look into matters in a way that follows due process.

The Board **RESOLVED** to:

- **NOTE** the reports.
- **AGREE** the following **ACTION**:

A further report to be brought to Board following the conclusion of the review and the Chief Constable's consideration of it.

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6. DEVOLUTION OF RAILWAY POLICING

The Chief Executive provided a summary of his report, highlighting the following key matters:

- The proposed Scottish Railways Policing Committee would be established as a sub-committee of the British Transport Police Authority (BTPA) and membership would include SPA and BTPA Members.
- The Terms of Reference for the Scottish Railways Policing Committee will go to a special meeting of the Strategy, Policy and Performance Committee in March 2019, prior to required approval from the SPA Board.

The Chair of the Strategy, Policy and Performance Committee stated that work to establish a Scottish Railways Policing Committee and agree the terms of reference would be considered by a future meeting of the committee following engagement with the BTPA and thereafter be considered by the full Board.

The Board **RESOLVED** to:

- **NOTE** the report

7. POLICING PERFORMANCE: SEPTEMBER – DECEMBER 2018

DCC Taylor introduced the report, noting that it was based on the current performance reporting process but work on the new performance reporting framework continued at a fast pace.

DCC Taylor highlighted a number of points from this quarterly report, including:

- Overall crime (groups 1-5) during the April to December 2018 period has continued to fall when compared to the same period last year.
- Public confidence in policing across Scotland remains strong with 58% of respondents to the last Scottish Crime and Justice Survey indicating that the police are doing a good or excellent job.
- Numbers of on-duty allegations made have decreased by 15%.

- The main contributors to the fall in overall violent crime are reductions in serious assaults and common assaults.
- More reporting of images shared on social media without permission was a contributing factor in the increase of threats and extortion.
- Domestic housebreaking is at its lowest level in the last five years for the period April to December 2018.

The Chair invited ACC MacDonald to make comment on the statistics against Group 2, sexual crime and in particular any impact from the Scottish Child Abuse Inquiry. ACC MacDonald advised the Board that there were a large number of historic crime cases and cases derived from the ongoing child abuse enquiry. This had impacted statistics because the process of gathering evidence, which could be decades old, can take a long time to complete.

In discussion the following matters were raised:

- DCC Kerr recognised that having validated data would help allow informed insight and that the new performance framework was being tailored to assist in presenting the data this way.
- DCO Page confirmed that a piece of work on benefits management was currently in progress and would be brought to the Transformation Working Group for consideration.
- ACC MacDonald was asked for clarity on when Police Scotland would be in a better position to understand the full extent and effect of cyber enabled crime. She highlighted system limitations with recording data, noting the example of overseas cybercrime being captured as an incident rather than a crime. Significant improvements to cybercrime data will be delivered with the development of the new crime management system
- DCC Kerr was asked to comment on any rise in Police Scotland's use of stop and search. He noted that there was greater external and internal quality assurance of stop and search practices and Police Scotland's compliance rate with the new scheme was over 90% which is higher than the national average. In addition, considerable time had been spent on training police officers and the service has been working closely with the Scottish Government's Independent

Advisory Group on Stop and Search which will report to the Cabinet Secretary for Justice and provide further independent assurance on Police Scotland's use of those powers in the coming months.

In closing, the Chair noted that despite resource issues, it was imperative to continue to drive change in bringing forward the most valuable data available for public awareness. The Chair noted that discussion at the SPA Strategy, Policy and Performance Committee focused on the performance framework for policing and crime statistics as two separate strands, and work was required to identify what connects and distinguishes both from one another.

The Board **RESOLVED** to:

- **NOTE** the report.

Tom Nelson joined the meeting.

8. FORENSIC SERVICES PERFORMANCE: SEPTEMBER – DECEMBER 2018

Prior to introducing the report, the Director of Forensic Services referred to the murder of Alesha McPhail, and subsequent trial, paying tribute to forensic staff who worked at the scene, in the laboratory and within the courtroom. The Chair also thanked Police Scotland and Forensic Services staff involved in the case and noted her thoughts were with the family and friends of Alesha McPhail and the community of Bute.

Tom Nelson provided a summary of the report, highlighting.

- Organisational performance remains strong and is benefitting from new staff who have joined the organisation.
- The use of external resources to support Biology has eased the current high workload in serious crime cases.
- New drugs analysis instrumentation was operational in both the Gartcosh and Dundee laboratories which was having a positive impact on the volumes of drugs cases progressed.
- He had given evidence before the House of Lords Select Committee on Science and Technology as part of a current review on the provision of forensic science services in the UK.

- Planning for a no deal Brexit had been carried out with contingency planning response invoked to support Police Scotland. Thanks were recorded to Police Scotland for their assistance.

The Chair invited Tom Halpin, Chair of the Forensic Services Committee to make further comment. He noted the Committee supported the transformational change of Forensic Services and recognised the achievement of UKAS ISO 17025 annual re-accreditation, formal notification of which is normally issued during Quarter 4. He also highlighted the Director of Forensic Services attendance at a recent meeting of the House of Lords Select Committee.

In discussion the following points were addressed:

- The Director of Forensic Services was asked to comment on the recruitment of staff to make the service more self-sufficient. He confirmed that outsourcing was continuing to allow senior staff to be extracted to train new recruits to competency level which takes 2 years. A new operating model was also being developed meaning that later this year, new staff within the Drugs department, along with new instrumentation, would allow drugs cases to be completed live providing real time intelligence to Police Scotland and other agencies.
- The SPA 2019/20 budget considerations should be mindful of the impact of forensic work and how detection rates differ dependant on forensic involvement.

In conclusion, the Chair confirmed that the Director of Forensic Services would participate in the budget briefing taking place after the Board meeting. She added that the invitation to the Director of Forensic Services to the House of Lords Select Committee, and the Chief Constable's recent presentation to the Welsh Committee on Justice, was evidence of interest from differing parts of the UK on policing and forensic provision in Scotland.

The Board **RESOLVED** to:

- **NOTE** the report

Tom Nelson left the meeting.

James Gray joined the meeting.

9. FINANCIAL REPORT: SEPTEMBER – DECEMBER 2019

The Chief Financial Officer (James Gray) introduced the report which provided Members with an update on the financial position of the SPA, Forensic Services and Police Scotland for quarter three of the financial year 2018/19, as well as forecasting the full year outturn to 31 March 2019.

The Chief Financial Officer advised the Board that the capital budget had a significant underspend and the reform revenue budget had a slight underspend although he was confident all would come to budget by the year end.

The Chair advised that the paper had already been scrutinised through the SPA Resources Committee and invited any questions on matters arising following the Committee. The Resources Committee Chair (Elaine Wilkinson) noted that the only question outstanding was on the capital and revenue reform budget which had been covered within the report provided. The Resources Committee Chair reiterated the importance that any money not spent this financial year would have an impact on the 2019/20 budget.

The Board **RESOLVED** to:

- **NOTE** the report

James Gray left the meeting.

Yvonne Johnston joined the meeting.

10. REFERRAL FROM COMMITTEE

PROPOSED CO-LOCATION AT WEST LOTHIAN CIVIC CENTRE – LEASE OF ACCOMMODATION TO THE SCOTTISH CHILDREN’S REPORTER ADMINISTRATION

The Estates Transformation Lead (Yvonne Johnston) introduced the report which provided Members with details on the proposed granting of a lease to the Scottish Children’s Reporter Administration (SCRA) in respect of accommodation within the West Lothian Civic Centre, Livingston.

The report recommended that the Board endorses the previous approval of the legacy Lothian and Borders Police Board to grant the lease.

The Board **RESOLVED** to:

- **NOTE** the report; and
- **AGREE** to endorse the previous approval of the legacy Lothian and Borders Police Board to grant a lease to SCRA in respect of accommodation within the West Lothian Civic Centre, Livingston.

11. COMMITTEE AND WORKING GROUP REPORTS

The Chair invited Committee and Working Group Chairs to introduce their reports from recent meetings:

- **Complaints & Conduct Committee**: Matt Smith noted that the Committee had reviewed the SPA's draft submission to the Dame Elish Angiolini's Independent Review which has been established to look at all aspects of police complaints handling, investigations and misconduct. The final version of the SPA's submission was due to be submitted to the Review Secretariat by the deadline of 13 March 2019. The Chair commented on the strategic importance of this review and confirmed that the Board would be appropriately sighted and appraised on the SPA's submission.
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- **Forensic Services Committee**: Tom Halpin noted the Committee focus would remain on the Forensics 2026 strategy.
- **Resources Committee**: Elaine Wilkinson reported that the Estates and Workforce plans would be discussed in depth at the Committee and brought to a future Board meeting. She also advised the importance for the Committee to be kept up to date with the Commercial Excellence Programme. David Crichton added that co-location should not just be opportunistic but driving the estates strategy. DCO Page agreed co-location opportunities were a design principle of the Estates strategy.
- **Strategy, Policy and Performance Committee**: Michelle Miller advised that work was currently underway to look at the Committee work plan which would reflect the Terms of Reference. The Committee focus at this time would remain on the performance framework and enhancing the accountability of railway policing in Scotland.

- **Succession Planning and Appointments Committee**: The Chair highlighted the updates noted in the report and members noted the report.
- **Audit Committee**: Jane Ryder advised the Board that since the Internal Audit Plan had been agreed, auditors had been making progress on assurance mapping. The Committee will also be holding a development day/workshop which would, amongst other issues, explore tracking of improvement actions.

For public awareness, the Chair emphasised that Committees are held in public with papers available online. All Committees were working to improve and enhance internal connectivity across agendas.

The Board **RESOLVED** to:

- **NOTE** the report.

12. CHIEF EXECUTIVE'S REPORT

The Chief Executive provided a summary of his report, highlighting the following key matters:

- The process of preparing the 2018/19 Annual Report and Accounts had begun and the Audit Scotland Audit Plan would come to the next meeting of the SPA Audit Committee for review.
- A briefing had been given to Scottish Government colleagues on the 2019/20 SPA budget and the significant challenges had been highlighted.
- Another recent legal case had come to the Board without sufficient time being available for proper consideration. It was noted that a review of legal services across Police Scotland and the SPA would be commissioned and a report would be brought to a future meeting for the Board to consider.
- Thanks were recorded to staff within the Independent Custody Visiting Scheme (ICVS), and the many independent visitors who give their time on an entirely voluntary basis. It was noted that SPA and HMICS were developing, in partnership, a Memorandum of Understanding to strengthen the complementary arrangements for the sharing of information. The Chair also noted her thanks to the IVCS team and highlighted that the ICVS Annual Report will come to

a future meeting of the Board with further regular reporting to the SPA Strategy, Policy and Performance Committee.

The Board **RESOLVED** to:

- **NOTE** the report.

13. HEALTH AND SAFETY REPORT

DCC Taylor introduced the report highlighting that the statistics were reported in a more informative manner and work was continuing to present trend analysis.

In discussion the following points were raised:

- DCC Taylor advised that Police Scotland were looking to combine Health & Safety and Health & Wellbeing, reporting them together to the SPA Board.
- DCC Taylor was asked to provide comment on how trends are managed and reported. She provided an example of good practice and organisational learning from activity in G Division which was being used to address similar issues manifesting in 'A' Division.

The Chair stated that Health and Safety work was vitally important and reporting required to highlight employer responsibilities and larger strategic areas. The Chair also recognised the importance of wellbeing and welfare issues within the workforce and the need to improve how these issues are reported to the Board in order to raise public awareness of the impact of operational duties on Police Scotland officers and staff.

The Board **RESOLVED** to:

- **NOTE** the report

The Chair advised that the business to be taken in public was now concluded and the Board would take a number of items in private for the reasons stated on the agenda and in accordance with the SPA Corporate Governance Framework.