

BOARD MEETING

26 June 2019

Minute of the Scottish Police Authority Board Meeting held on Wednesday, 26 June 2019 in Pollock Halls, Edinburgh

(This meeting is available to view through our dedicated Livestream
channel: <https://livestream.com/accounts/5307060/events/8722412>)

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

Apologies Martyn Evans
Matt Smith

In attendance: Scottish Police Authority (SPA)
Tom Nelson, Director of Forensic Services (*Item 10a*)
Graham Stickle, Risk and Policy Specialist (*Item 6*)
Jackie McKelvie, Performance Manager (*Item 5*)
Susan Montgomery, Senior Solicitor (*Item 10b*)
Police Scotland (PS)
Chief Constable (CC) Iain Livingstone
Deputy Chief Constable (DCC) Malcolm Graham
Deputy Chief Constable (DCC) Will Kerr
Deputy Chief Officer (DCO) David Page
James Gray, Chief Financial Officer (*Item 8*)
Jude Helliker, Director of People and Development (*Item 7*)
Superintendent Ian Thomson (*Item 5*)

John Scott QC, Chair of the Independent Advisory Group
on Stop and Search

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 all Board Members and representatives from the Police Scotland senior leadership team and John Scott QC who was contributing to the meeting under Item 5.

The Board **RESOLVED** to:

- **NOTED** Member apologies as above;
- **NOTE** that Robert Hayes declared an interest in the 'Provision of a Microsoft Enterprise Agreement' paper, within Item 12.
- **ADOPT** the minute of the 22 May 2019 meeting;
- **NOTE** the action log and that there were no matters arising;
- **NOTE** the decision taken since the last Board meeting, the appointment of Mary Pitcaithly to the Police Negotiation Board (PNB);
- **AGREE** that, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Board would consider items 11 - 14 in private for the reasons set out on the agenda.

2. SPA CHAIR'S INTRODUCTION AND REPORT

The Chair introduced her report which provided a public update on how the SPA is developing and the ongoing work underway to develop the post policing reform landscape. She highlighted;

- Significant progress has been made in the last year to bring strength and stability to Police Scotland's Leadership team and within the SPA Board which has built a strong and effective leadership and governance system.
- Notwithstanding this improvement, there remains a significant amount of work to do to ensure the SPA itself is operating effectively and as the Act intended. The Chair pointed to her previous Board reports which set out in detail some of the

challenges the organisation faces and work is underway to address this.

- There is a need to ensure the Board's business remains focused on supporting Police Scotland to develop and perform effectively and the service continues to provide the people of Scotland with the best possible policing service which builds confidence and trust.
- The Chair noted that the SPA is one of Scotland's most significant public bodies with oversight of one of Scotland's most significant public services. The landscape in which the SPA operates is relatively young and, from the outset, the organisation was never designed or built properly.
- In order to operate effectively, a number of factors need to be put in place including a high degree of autonomy and capability.
- Boundaries between different organisations and institutions remained blurred and there is not yet a shared understanding in respect of roles and relationships that need to exist or appropriate arrangements in terms of where resources and functions sit. The Chair noted that efforts to address these issues were being progressed within a context of significant external attention which remained challenging.
- The SPA was created to ensure a clear separation between Ministers and policing which has not yet been achieved to date.
- The role and responsibilities of the SPA are not well understood, therefore the expectations of the Authority often far surpass its capacity and capability and in some cases the organisation's powers.
- It is appropriate to note the context of the legacy issues which challenge and prevail, however, focus needs to be on the future.
- The Chair noted the work underway within the Governance Review and Development Group and thanked Jane Ryder for her contribution in taking this forward.
- The Strategic Coordination Unit (SCU), set up to ensure effective co-ordination across the wider policing system, was up and running and the SCU's remit will be publicly available in due course.
- Steps are being taken to put in place more support for the staff team within the SPA to support the organisation through further organisational change and ensure that staff are involved in that process.

In closing, the Chair noted and welcomed the publication of the interim report of the Independent Review of Complaints Handling, Investigations

and Misconduct Issues in Relation to Policing. The Chair stated that the report was a logical and clear articulation of a very complex area. As work progresses, the Board will consider inviting Dame Elish Angiolini to attend a future Board meeting.

Members welcomed the report and reinforced the need for the SPA to have time and space to develop while recognising the role of scrutiny.

The Board **RESOLVED** to:

- **NOTE** the report.

3. CHIEF CONSTABLE'S REPORT

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

- The Chief Constable provided an update in relation to the death of Emma Faulds and the murder of Margaret Fleming, commenting on the high degree of work undertaken by local officers, forensic services and the Major Investigation Teams (MITs) in each case.
- The Chief Constable highlighted a BCC Scotland documentary following the work of Police Scotland's Major Investigation Teams (MITs) and staff from SPA Forensic Services. The documentary highlights the critical work undertaken in this specialist area of policing and underlines the dedication and commitment of officers and staff. The Chief Constable welcomed the documentary series which builds greater awareness and understanding of policing.
- Work is ongoing by the Safer Communities Mental Health Team and Demand and Productivity Unit to develop a 'Mental Health – Understanding Demand' survey. The survey will supplement data currently available and gather information relating to the time and resources required when dealing with police incidents involving mental health.
- The Chief Constable thanked John Scott QC for his work on the Stop and Search Advisory Group stating that the independent assurance provided by the group coupled within ongoing oversight by the SPA has been vital in supporting Police Scotland to discharge its duties with the consent of communities.
- The Contact Assessment Model (CAM) was introduced on Wednesday 12 June 2019 in Lanarkshire and Dumfries and Galloway divisions.

The benefits were anticipated to include improved service delivery, increase empowerment of staff, and a more efficient approach to managing demand, with early indications of the model being positive. He noted that this area of policing will continue to be subject to robust scrutiny and governance by the SPA.

- The Road Traffic Collision Module (CRaSH), which is part of the Core Operational Solutions Programme, was launched in Tayside Division on 12 June 2019 and will be rolled out across Scotland. A week later, on 17 June 2019, the introduction of mobile working capability for officers was also launched in Tayside Division.
- The Chief Constable provided an update in relation to General Data Protection Regulations (GDPR), noting that sharing information was key to helping protect people's human rights and allowing early intervention to protect vulnerable people. In order to maintain the necessary momentum to meet the statutory obligations in respect of data protection, Police Scotland have adopted the Information Commissioner's Officer '12 Step Plan'. Police Scotland are also engaging with the National Police Chiefs' Council Data Protection Portfolio to ensure consistent practices and approaches towards data protection reform.
- The Chief Constable reported on a number of public order events which have presented a significant operational challenge over the period.
- The Chief Constable reported to the Board on an incident involving an on-duty Police Officer who has been left with life-changing injuries and recorded his thoughts for the officer and his family.
- The Chief Constable gave thanks and congratulations to those serving and retired officers who had received awards in Her Majesty's Birthday Honours.

Before opening the item for discussion, the Chair also passed on her thoughts to the injured officer. She also congratulated those who had been recognised in the Queen's birthday honours list and welcomed DCC Malcolm Graham to the meeting in his new role of Deputy Chief Constable.

In discussion the following was raised:

- Assurance was sought on Police Scotland's cyber capabilities, following the cyber-attack at Eurofins. The Deputy Chief Officer, David Page, confirmed Police Scotland had assurance on the mitigating factors against the risk of cyber-attacks, while noting that

Police Scotland were committed to further investment around cyber-crime.

- The Chief Constable was asked for more information on how the balance can be struck in relation to complying with GDPR regulations and sharing information. The Chief Constable advised that it was important to strike the right balance between protecting people and protecting information and this may not be right and therefore ACC McDonald would be writing to the Information Commissioner to advise on Police Scotland's interpretation of the GDPR framework. DCC Kerr confirmed that a detailed report about the steps that Police Scotland is taking to develop guidance about the practical implementation of GDPR, including balance between individuals' rights and sharing of data with partners, would be brought to the Board in August. He would also provide the Board with a briefing on this matter in between Authority meetings.
- The Chair of the Resources Committee, Elaine Wilkinson, requested the Committee be provided with assurance on the timeline and systems developed within the Demand and Productivity Unit in relation to data collated through Mental Health and Understanding Demand Survey, with the potential for a joint discussion between the Resources Committee and the Contact Assessment Model (CAM) Group.
- Information was requested on the current and future plans in relation to investment in fleet and other core pieces of kit. The Chief Constable acknowledged an underinvestment in capital and stated that Police Scotland were keen to invest further in ICT, fleet and estates. The Chief Constable informed Members that he and the Chair had met with the Cabinet Secretary for Justice to discuss capital investment. The Chair also noted that she had been working jointly with the Chief Constable to present an evidence based case to the Scottish Government for additional allocation to policing.
- Following questions raised on partnership working with regard to mental health and vulnerability, DCC Graham confirmed that Police Scotland were engaging with Scottish Government mental health initiatives and building relationships with other emergency services to look at their visions and be involved in a range of pilots.

The Board **RESOLVED** to:

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

DCC Kerr confirmed that a detailed report about the steps that Police Scotland is taking to develop guidance about the practical implementation of GDPR, including balance between individuals' rights and sharing of data with partners, would be brought to the Authority in August. He would also provide the Authority with a briefing on this matter in between Board meetings.

220519-SPABM-001

Resource Committee to be provided assurance on timeline and systems developed within the Demand and Productivity Unit in relation to data collated through Mental Health and Understanding Demand Survey.

220519-SPABM-002

4. BREXIT CONTINGENCY PLANNING

Opening the item, the Chair thanked DCC Kerr for his continued commitment to providing fortnightly reports on Brexit preparedness for both the Authority and public awareness which are published on the SPA website.

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:

- The force reserve will be stood up in advance of 31 October.
- The EU Exit related costs regarding contingency arrangements of Police Scotland is currently £4,479,843 as reported to the SPA in correspondence dated 17 June 2019.
- At the Board meeting on 22 May 2019, DCC Kerr had been asked for further information regarding the benefits of additional capacity arising from the Brexit reserve. DCC Kerr confirmed this question had been addressed in his written correspondence to the Board on 17th June 2019. An example was provided, highlighting that £215,000 had been saved in G Division by not needing to cancel rest days.

In closing, the Chair confirmed that Police Scotland would continue to report appropriately and regularly.

The Board **RESOLVED** to:

- **NOTE** the report.

5. STOP AND SEARCH – FINAL REPORT FROM INDEPENDENT ADVISORY GROUP

The Chair welcomed John Scott QC to the meeting and invited him to provide an overview of the journey on stop and search to date leading to the recent publication of the Independent Advisory Group's report.

John Scott QC thanked the Chair for the invitation and provided a summary of the work undertaken by the Stop and Search Advisory Group, highlighting:

- That he had chaired the work of a group of impressive individuals who made up the Advisory Group and paid tribute to the work of the wider group in concluding their work in a relatively short period of time.
- Following publication of the report, the Advisory Group would now stand back to allow the SPA to be the main scrutiny body for Stop and Search.
- The work in this area stems from significant concerns raised in 2014 and while there was understandable concern from some areas there was also little resistance.
- He praised Police Scotland for their work and contribution, especially Superintendent Ian Thomson and his team.
- The data on Stop and Search was now more reliable with legislation in a better place with oversight of human rights.

As a member of the advisory group, Michelle Miller, thanked John Scott QC for the work carried out and commended his leadership and all those who assisted. She noted the report suggests confidence in the system with some areas and issues for continued scrutiny from the SPA.

Superintendent Ian Thomson provided a summary of his paper, highlighting that the joined up approach has allowed achievements with a significant evidence based improvement plan. Superintendent Thomson advised any assistance to address issues going forward would be welcomed.

In discussion the following was raised:

- The Chief Constable highlighted that human rights is embedded within policing and in the culture for those officers beginning their career.

- The Chief Constable was asked for comment regarding the previous target driven culture and how the organisation can learn in other areas. The Chief Constable advised that the organisation has moved from a target driven culture through strategic planning and developing a culture of change plus the creation of a more collegiate leadership team. John Scott QC agreed that previously performance targets were used as a way of showing progress which was incorrect. Police Officers were now both empowered and understood accountability.

The SPA's Performance Manager, Jackie McKelvie, provided a summary of her paper, outlining the SPA's oversight to date and advising that monitoring of Police Scotland's use of stop and search would continue to be a feature through the new performance framework.

In closing, the Chair acknowledged that a lot of work had been undertaken by involved people and there was unanimous agreement that the culture of Police Scotland was different to when the Advisory group was first established. The Chair emphasised the importance of looking to the future to build on the work already carried out and suggested that work be undertaken to identify strands of policing policy and strategy to allow further discussion and reporting through the Strategy, Policy and Performance Committee. As well as reporting through formal governance, work should take place out-with the structured reporting including engagement with stakeholders and interested groups.

The Board **RESOLVED** to:

- **NOTE** the report.
- **AGREE** the following **ACTIONS**:

The SPA to develop appropriate ongoing monitoring to identify strands of work for reporting through formal structured governance informed by engagement with stakeholders and interest groups.

220519-SPABM-003

6. DEVOLUTION OF RAILWAY POLICING

The SPA's Risk and Policy Specialist, Graham Stickle, introduced his report which provided Members with progress towards the establishment of a committee to oversee railway policing in Scotland and sought Members

approval of the proposed Terms of Reference and Memorandum of Understanding supporting the Scottish Railways Policing Committee.

The Chair thanked all who have contributed to work thus far, including the Chief Constable and Chief Constable Crowther from British Transport Police.

The Board **RESOLVED** to:

- **NOTE** the report.
- **ENDORSE** the establishment of the Scottish Railways Policing Committee
- **APPROVE**, for onward submission to Ministers, the supporting Terms of Reference and Memorandum of Understanding.

In closing, the Chair noted that the committee will include two SPA Board Members. The Chair will work with the Vice Chair to review members existing commitments and recommend members for appointment to this committee.

7a. HEALTH AND SAFETY

DCC Kerr introduced the report which was to provide a strategic overview in relation the Health and Safety within the SPA and Police Scotland, highlighting;

- The increase of 25% in relation to the accident type 'injured during arrest' was under examination by the Force Monitoring Group.
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDORS) had reduced in number by 10%.

Members highlighted that the injured during arrest figures were uncomfortable and noted that more tangible reporting was required to show increases and decreases. The Chief Constable noted that the increase could be in response to increased confidence in reporting.

In closing, the Chair noted that Health and Safety is a significant responsibility for the SPA and that future reporting should be strengthened to include more analysis of data, trends and benchmarking against other police forces. Consideration should also be given to appropriate consultation with staff associations and unions.

The Board **RESOLVED** to:

- **NOTE** the report.

- **AGREE** the following **ACTION**:

Future report to be strengthened to include more analysis of data, more information on trends (2 years or longer), benchmarking against other forces, and consideration given to appropriate consultation with staff associations and unions. Further work also to be done on levels of reporting to the Board and Committees.

220519-SPABM-004

7b WELLBEING

The Director of People and Development introduced the report which was to update Members on the work undertaken by the Police Scotland Wellbeing Team, highlighting;

- 312 management referrals were made to Occupational Health in April 2019. This is in line with predicted volumes.
- 262 cases were raised via the Employee Assistance programme. This is considerably higher than predicted based on the figures from same period in 2018. The increase can be attributed in part to the delayed delivery of the online EAP platform.
- Various wellbeing activities had taken place with the Wellbeing team providing an input to the newly created Established Leaders programme and the Civil Service Live Conference; and the third Wellbeing Champions Conference taking place on 3rd June 2019 at Tulliallan.

The Chair of the Resources Committee, Elaine Wilkinson, requested that future reports include qualitative data, explaining why specific initiatives are being chosen and what difference they are making.

The Board **RESOLVED** to:

- **NOTE** the report.

8. PROVISIONAL OUTTURN

The Chief Financial Officer introduced the report which provided an update on the provisional 2018/19 financial outturn highlighting the reasons for the movements in comparison to the budget.

The Chair of the Resources Committee, Elaine Wilkinson, stated that the Committee was of the opinion that there was good active management of the budget.

The Board **RESOLVED** to:

- **NOTE** the report.

9. COMMITTEE AND WORKING GROUP REPORTS

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

- **Resources Committee**: Elaine Wilkinson referred to the written report, highlighting that the Committee were disappointed with the pace of the strategic workforce plan. She advised that a workshop had been held on 25 June to discuss progress of the Transformation of Corporate Support Services.
- **CAM Working Group**: In the absence of the Working Group Chair, Martyn Evans, Caroline Stuart referred to the written report and advised that the next meeting scheduled for 24 July would look at 'manage by exception' reviews with the HMICS Performance report review being used to guide discussion. The Chief Constable added that the Senior Leadership were extremely supportive of those leading CAM. Elaine Wilkinson added that the CAM Working Group and the Resources Committee would look at relevant business cases together.
- **Audit Committee**: Jane Ryder referred to the written report and advised that the next Committee would be held on 11 July would consider the draft Annual Report and Accounts. A number of Internal Audit reports and the Internal Audit Annual Report would be presented along with the SPA Risk Framework. She advised that following the Committee, there may be possible amendments to the Internal Audit Plan which would be required to be brought to the Board meeting in August 2019.

In closing, the Chair noted she was encouraged by the progress and delivery of change being progressed at Committee level.

The Board **RESOLVED** to:

- **NOTE** the reports from Committees.

10. SPA GOVERNANCE

10a. DIGITAL FORENSICS WORKING GROUP

The Director of Forensics Services introduced his report which provided Members with a proposal for a Digital Forensics Working Group and draft Terms of Reference, highlighting:

- The purpose of the group is to review the delivery, accreditation, oversight and governance of digital forensics in Scotland.
- A final report will be delivered to the Forensic Services Committee by 31 March 2020.

It was confirmed that Robert Hayes would Chair the group and that secretariat support would be provided by the Scottish Government.

The Board **RESOLVED** to:

- **NOTE** the report.
- **APPROVE** the Digital Forensics Working Group Terms of Reference.

10b. LEGAL ACTIONS, CLAIMS AND APPEALS COMMITTEE

The Chair opened the item by confirming that the Governance and Development Review Group had identified a number of significant gaps relating to the consideration of legal matters and it was recommended that these should be addressed and governance strengthened by establishing a Committee to deal with such matters.

The SPA's Senior Solicitor, Susan Montgomery, introduced the report which sought approval of the Terms of Reference for a new Committee to deal with legal actions, claims and appeals and to approve the associated necessary changes to the Scheme of Delegation. She confirmed that, as per the Terms of Reference, when necessary, issues will be brought to the Board's attention.

In discussion the following matters were raised:

- Lessons had been learned from the Complaints and Conduct Committee including the importance for trends and analysis to be reported.
- It was advised that in instances where any legal matters were raised against or involving the Chief Constable, Board Members not serving on this committee would also be invited to consider these.

The Board **RESOLVED** to:

- **NOTE** the report.

- **APPROVE** the proposal to establish a Legal Actions, Claims and Appeals Committee with terms of reference proposed, and with membership to be appointed.
- **APPROVE** the proposal to make relevant changes to the Scheme of Delegation.

APPROVED