

Independent Advisory Group Police Use of Temporary Powers Relating to the Coronavirus Crisis

**Meeting 1<sup>st</sup> May 2020 – Action Notes**

**Members attending:**

John Scott QC, Solicitor Advocate (Chair)

Bruce Adamson, Children and Young People's Commissioner Scotland

Aamer Anwar, Solicitor and Human Rights campaigner

Ephraim Borowski, Chair of the National Independent Strategic Advisory Group

Tressa Burke, Chief Executive Glasgow Disability Alliance

Martyn Evans, Member of the Scottish Police Authority

Maria Galli, Children and Young People's Commissioner Scotland

Gill Imery, HM Chief Inspector of Constabulary in Scotland (HMICS)

DCC Will Kerr, Police Scotland

Susan Kemp, Scottish Human Rights Commission

Dr Elizabeth Kelly, NHS Scotland and Associate Carnegie UK Trust

Naomi McAuliffe, Programme Director Scotland, Amnesty International

Professor Susan McVie, University of Edinburgh

Alastair Pringle, Executive Director, Equality and Human Rights Commission

Dr Catriona Stewart, Scottish Women's Autism Network

**Apologies:**

John Logue, Deputy Crown Agent Operational Support, COPFS

**In Attendance**

ACC Bernard Higgins, Police Scotland

ACC Gary Ritchie, Police Scotland

**Secretariat support:**

John McCroskie, SPA Director of Communications and Relationship

Eleanor Gaw, SPA Community Accountability

Fiona Miller, SPA Community Accountability

Jennifer Blackwood, SPA Communications

**1. Welcome and matters arising**

The Chair provided an overview of the format for today's meeting.

He welcomed Dr Elizabeth Kelly as a new member of the group.

ACC Bernard Higgins was welcomed to the meeting, and leads Police Scotland strategy and operations on service transition from lock down.

ACC Gary Ritchie, Partnership and Community Well Being, will be a regular contributor to the IAG, sharing attendance with DCC Kerr. ACC Ritchie chairs the Police Scotland Optical Group, set up to meet the information demands associated with Operation Talla, and membership includes the IAG Chair, Professor McVie, and Martyn Evans.

Steve Reicher, Professor of Social Psychology at the University of St Andrews, joined the meeting to contribute and support discussion of agenda item 2 - "Policing, public compliance and moving out of lock down". This discussion will be continued with another guest contributor Ben Bradford, Professor of Global City Policing at the Department of Security and Crime, UCL Monday 4<sup>th</sup> May.

Terms of Reference - these are now published and available on the IAG pages of the Scottish Police Authority website.

**2. Policing, public compliance and moving out of lock down**

ACC Higgins provided an overview of the Police Scotland approach, focusing on the 4 E's - Engage, Explain, Encourage, with Enforcement as the last and late stage option; and with an emphasis on supporting public trust and confidence throughout the process. He indicated that the service would welcome input from the group on sense checking where the service is getting it right and what could be replicated in future.

Professor Steve Reicher briefed members on what the information on group behaviour and compliance is demonstrating and his perspectives on what works well.

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He indicated that overall levels of compliance are remarkably high. Where there is non-compliance this is often because of practical difficulties such as the need to keep working or get to work. He suggested that the most effective strategy for compliance is to enable, and focus on where people need help to comply.

National survey results indicate that around 45% of people are reasonably comfortable and doing ok with the current constraints; around 45% remain complying even though it is very difficult, and just under 10% are resistant to compliance. There is little evidence to date of significant psychological fatigue.

Around 30% of people would like greater enforcement where they perceive people are not complying.

Professor Reicher flagged a key challenge of addressing the 9-10 % who are resistant, without alienating the 90% who are; and that one means of doing so is to engage directly at the micro level, consider how best to make this a positive and enabling interaction, and for this to inform intelligence gathering, strategy and tactics. He considered that policing is ahead of some other areas of the public sector in its approach.

He also emphasised the importance of fairness, equity, and common sense in retaining public support and to underpin consideration of what regulations could be reasonably relaxed without increasing the infection rate. Transition requires a rapid and nimble process of taking information from the grassroots, using it to inform police and government approach, and feeding back to people on how their input has impacted the process.

### **To note from the group discussions**

- The need to listen to the views of those most impacted.
- There are real challenges around consistency, accessibility and clarity of communications for any change in restrictions.
- The context is one of COVID-19 measures and restrictions having a disproportionate impact on already disadvantaged groups.
- The need for awareness of differing impacts of the same measures on different groups.
- Challenges may increase as the enduring nature of some of some of the change required becomes apparent.
- There is potential for creative and enabling solutions focused on what people can do rather than can't do, to inform guidance.
- The model used by the Violence Reduction Unit was referenced as one way to address the issue of persistent non-compliance.
- Potential concerns about human rights and surveillance will be greater among some people, who may already mistrust the police or the state.
- Professor Reicher is happy to re-engage with the group as its work develops.

The Chair indicated that the IAG can offer a sounding board for Police Scotland on any emerging issues or change. ACC Higgins welcomed the offer, and would welcome feedback from the group on how members think Police Scotland is implementing and policing the powers just now, what has worked well, and what could be done differently should lockdown be re-introduced.

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### Follow up actions

**Maria Galli:** will share a draft paper from CYPSC on legal issues and children and young people, when this is available.

**Tressa Burke:** will share details of Local Governance Review Group with the Chair.

### Follow up discussion with Ben Bradford UCL: Monday 4<sup>th</sup> May

#### 3. Priorities for evidence gathering

Professor McVie shared an options paper with members, focused on 3 core areas.

- Application of the powers
- Acceptability of the powers
- Compliance

Feedback is sought in particular with regard to goals, alignment with the Terms of Reference, any gaps, and sources of evidence.

**Action:** Members will consider the paper further, for discussion Monday 4<sup>th</sup> May.

#### 4. Wider group discussion on progress

- Scotland is unique in the UK in having this type of Independent Advisory Group in place, which offers additional reassurance.
- Initial feedback indicated that group members consider that Police Scotland had responded well in general, but there is a need to be aware that police behaviour now will have a long lasting impact.
- The GDA survey was welcomed by members. The GDA has also undertaken additional focus group work which will inform guidance for Police Scotland on working with people with hidden disabilities. Dr Kelly will link with Tressa Burke on the survey findings which cover areas much wider than just policing, and share with Health and Health and Social Care Networks.
- The opportunity for the group to hear from police officers and / or representative bodies was highlighted.
- Some concerns in BME community were noted and the need to reach out quickly and engage early emphasised to avoid escalation of potential issues or misunderstandings.
- The potential for reduced access to drugs support services, mental health support, and the impact of lock down on mental health and well-being, to impact on policing were all noted.

The chair shared his observations with the group. In general many of the mistakes made elsewhere, despite good intentions, appear to have been avoided in Scotland, in dealing with (necessarily) hastily drafted legislation, and where it has not always been clear what is guidance and what is the law. The compressed timescales have led to different approaches in different places across the UK, which the national approach in Scotland has generally avoided.

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The message about a “common sense” approach has worked, but with perhaps some lack of clarity resulting in some people staying inside when they could have gone out. The approach of the Chief Constable supporting the First Minister in a public communications platform has worked well and could be repeated as lock down eases or restrictions change.

There may be ways to address specific issue of non-compliant groups e.g. some groups of young men, which would assist. But, in general terms, Scotland has avoided many of the issues that have been raised in the other areas of the UK, and the impression is that there has been good work by the police.

### **5. Communications: Paper from the SPA Secretariat on support**

Vanessa Ewing outlined a proposed approach for people to be able to share their views with the IAG, and which can be up and running quickly.

The group supported the approach and agreed that there will be  
A dedicated email address – available from next week  
Postal feedback facility – available from next week  
Online digital channel - Citizen Space – this can be available in 5 – 10 days

Additional signposting will be in place to ensure complaints are properly directed on the website and in email responses.

It was not considered feasible to offer a telephone response service at this point, but the issue of addressing digital exclusion will remain under review.

**Action: SPA**

An official letter will be drafted, detailing the group and its remit, for members to share with their own networks.

**Action: SPA**

Members will use their own networks to reach out, share access channels, and draw in views.

**Action: ALL**

SPA can offer access to conference call facilities to support wider engagement as required.

### **6. . Closing Remarks**

The Chair briefed members on his input to the Scottish Police Authority meeting on the 30<sup>th</sup> April. He will present a paper on behalf of the group to the SPA board meeting 20 May.

**Date of next meeting: Monday 04 May 3pm**

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