

**BOARD MEETING**

**25 March 2020**

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**Minute of the Scottish Police Authority Board Meeting held on  
Wednesday, 25 March 2020 via Tele-conference**

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

Apologies: Michelle Miller

In attendance: Police Scotland (PS)  
Chief Constable Iain Livingstone (*Items 1-4*)  
Deputy Chief Constable (DCC) Will Kerr (*Items 1-4*)  
Deputy Chief Constable (DCC) Malcolm Graham (*Items 1-4*)  
Deputy Chief Constable (DCC) Fiona Taylor (*Items 1-4*)  
Deputy Chief Officer (DCO) David Page  
James Gray, Chief Financial Officer  
Kirsty Louise Campbell, Head of Strategy and Innovation  
Chris Brown, Strategic Financial Planning and Budgetary  
Lead

Scottish Police Authority (SPA)  
Lynn Brown, Interim Chief Executive Officer  
Barry Sillers, Director of Strategy and Performance  
John McCroskie, Director of Communications and  
Engagement  
Susan Montgomery, Senior Solicitor (*Item 10-11*)

Scott-Moncrieff

Gary Devlin, Relationship Partner (*Item 10-11*)

SPA Secretariat

Catherine McIntyre, Head of Board Services

Karen Vallance, Committee Co-ordinator

## 1. WELCOME AND STANDING ITEMS

The Vice Chair opened the meeting and welcomed all Board Members and representatives from the Police Scotland senior leadership team.

He acknowledged that much had changed since the last meeting. Police work in response to Covid-19 was in sharp focus and the SPA were appreciative of the responses already made by Police Scotland.

The Vice-Chair confirmed that the meeting was being recorded and the recording would be put online at the close of the meeting to allow SPA to continue demonstrating transparency.

It was noted that the Chief Constable and the Deputy Chief Constables would only be present for Items 1-4 of the meeting.

The Board **RESOLVED** to:

- **NOTE** apologies from Michelle Miller;
- **NOTE** Matt Smith declared an interest in Item 13b;
- **ADOPT** the minute of the 19 February 2020 meeting;
- **NOTE** the action log and that there were no matters arising;
- **NOTE** Members (7) approved a draft Terms of Reference for the proposed Cop 26 Expenditure Committee by correspondence on Thursday 27 February, in accordance with section 12 of the Authority's Standing Orders;
- **AGREE** that, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Board would consider items 12 - 16 in private for the reasons set out on the agenda.

## 2. SPA VICE CHAIR'S REPORT

The Vice Chair provided a summary of his report, highlighting that the Authority welcomed any review of the scrutiny arrangements for policing but that clarity was required on the purpose, method and options. He

confirmed that the Authority would contribute fully whilst also continuing to carry out their statutory duties.

The Board **RESOLVED** to:

- **NOTE** the update

### **3. CHIEF CONSTABLE'S REPORT**

Chief Constable Livingstone (CCLivingstone) acknowledged the extraordinary circumstances and noted that his report, written a week prior to the meeting shows the amount of business that continues to be driven but equally, highlights how much has changed and how priorities and resources have been re-focussed.

CCLivingstone and DCC Malcolm Graham (DCCGraham) provided Members with information relating to the policing response to Covid-19, highlighting:

- Following the UK Government advice for all pubs and restaurants to close on Friday 20 March, a policy decision was made to apply the licensing laws aligned with the positive duties under Article 2 of the European Convention on Human Rights and the Police and Fire Reform (Scotland) Act, which allowed Police Scotland to carry out emergency enforcement closures to premises on a few notable exceptions where the guidance had not been adhered to.
- CCLivingstone and DCCGraham spoke with the First Minister and other officials on Monday 23 March to discuss the measures that were to be communicated to the public that evening. It was acknowledged that at that time social distancing measures were not backed by legislation but this was being progressed and it was expected that by Friday 27 March, a series of powers in relation to social distancing would be available.
- DCCGraham leads a robust gold command and an appropriate structure is in place with all Senior Command officers involved.
- Demand in many areas of policing had dropped significantly, such as roads policing and borders policing. However, other areas had grown such as incidents relating to vulnerable people and domestic abuse. There had also been an increase in the number of break-ins of large private/commercial buildings. Police Scotland have taken appropriate steps to increase responses to these increased areas.

- Work has been re-prioritised and re-designed to free up staff and officers from areas of less demand. Engagement continues with the British Transport Police (BTP) to deploy BTP officers within local policing. Work also continues to increase the number of Special Constables, plus a number of new recruits start at Tulliallan on 26 March. Training programmes have also changed to help meet demand.
- A large amount of work has been undertaken with regard to Personal Protection Equipment and the roll out of a significant number has begun. All masks are personally fitted and training will be provided on using them.
- Staff wellbeing continues to be of great importance and work continues to make the case for pre-emptive testing of Officers, however it is appreciated that front line health workers are the priority. Officers and staff are communicated with regularly and encouraged to apply social distancing measures, however it can be difficult in certain circumstances. Additional capacity with regards to home working is being sought and police buildings now have enhanced cleaning capabilities to provide reassurance to staff.
- A policing plan was in place should HRH Prince of Wales require hospital treatment in Aberdeen.

CCLivingstone referred to the written report which provided Members with information relating to the Police Service, policing and the state of crime.

In addition to the report he also highlighted:

- The conclusion of the trial of the former First Minister, Alex Salmond, was noted. The Crown Office had referred some complaints to Police Scotland and those had been discharged following a thorough, impartial and professional investigation with findings reported to the Crown Office.
- The Contact Assessment Model (CAM) remained at the heart of supporting communities and the model had been introduced in Edinburgh, the Lothians and the Borders.
- With regard to COP26, the planning team have been reduced to a core team but work continues until the UK Government confirm whether the conference will continue or if it will be scaled back. CCLivingstone has discussed the demands on policing with the Home Secretary who had confirmed discussions were ongoing to agree how the conference would progress. CCLivingstone noted he had

real concerns on how the event can be planned and policed due to the current circumstances around COVID-19.

In discussion the following matters were raised:

- The Vice Chair acknowledged the increased public communications and noted appreciation for the calm and reassuring tone being set. Given the current circumstances, he highlighted it was not the Authority's intention to impose additional burdens on Police Scotland at this time, however, any impact on business as usual, budget, the change programme or wellbeing should be identified and scrutinised. He also acknowledged the challenges around child care and other family responsibilities facing key workers and the additional capacity and personal concerns which these would cause.
- Members requested further information regarding pre-emptive testing of officers. DDCGraham responded that engagement continues with Scottish Government and once any are available, there would be a triage list of who would be tested first.
- Following discussion on C3, DCCGraham confirmed that C3 continued to be a key priority in maintaining the service. The accelerated roll out of CAM continued to allow a more nuanced approach. Work is also ongoing to identify staff who are appropriately trained to work within C3. Internal calls which are normally routed through C3 have now been removed which has reduced demand to allow focus to remain on front line policing.
- With regard to wellbeing, Members questioned if there was anything additional in place to deal with officer anxiety in relation to COVID-19. DCCGraham responded that an enhanced wellbeing response was being initiated and the organisation was examining what additional support can be provided.
- CCLivingstone thanked SPA for the support given to Police Scotland and advised he would be writing to locally elected members to detail the Police Scotland response in a localised manner.

In closing, the Vice Chair thanked CCLivingstone and DDCGraham for the updates on COVID-19 and noted that the update regarding COP26 had provided assurance.

The Board **RESOLVED** to:

- **NOTE** the update.

#### **4. POLICE SCOTLAND'S RESPONSE TO COVID-19**

*Discussion on Police Scotland's response to COVID-19 took place during Item 3.*

The Board **RESOLVED** to:

- **NOTE** the paper.

#### **5. SPA INTERIM CHIEF EXECUTIVE'S REPORT**

Lynn Brown (LBrown) referred to the report which provided an update on activities carried out by the Interim Chief Executive and highlighted significant areas of development since the previous Authority meeting on 19 February 2020. She highlighted that since 24 March all SPA corporate staff were working from home and assurance had been given to Independent Custody Visiting staff regarding working arrangements. Members were also advised that Tom Nelson, Director of Forensic Services, was the COVID-19 gold group SPA representative.

The Board **RESOLVED** to:

- **NOTE** the report

#### **6. POLICING OF THE 26<sup>th</sup> CONFERENCE OF THE PARTIES (COP26)**

**a) Report presented by SPA Member Tom Halpin, Chair of the SPA Policing of COP26 Oversight Group**

**b) Report presented by Deputy Chief Constable, Local Policing**

Members referenced the discussion under Item 3 on Police Scotland's position regarding policing of COP26 and agreed emphasis should continue to be placed on ensuring full cost recovery and business as usual.

Tom Halpin (THalpin) provided an update following the latest meeting of the SPA Policing of COP26 Oversight Group, highlighting that the capacity of the Metropolitan Police to carry out an assurance review on planning was under review. He therefore had requested Police Scotland engage with HMCIS to assure that any assurance arrangements are satisfactory.

The Vice Chair acknowledged the uncertainty on the future of the conference but was assured that Police Scotland were involved at an appropriate level with the UK and Scottish Governments on the matter.

The Board **RESOLVED** to:

- **NOTE** reports (a) and (b).

## **7. POLICING PERFORMANCE OCTOBER- DECEMBER 2019**

### **a) Report by the Chief Constable**

### **b) Report by SPA Member Martyn Evans, Chair of the Policing Performance Committee**

Martyn Evans (MEvans) advised Members that work was ongoing with Police Scotland on benchmarking and a planned seminar was still going ahead, via tele-conference.

Several Members noted disappointment that the report was narrative heavy with too much description rather than a focus on outcomes. David Page (DPage) responded he was conscious of comments and would reflect them back to the performance team. He added that although the pace of work had slowed due to COVID-19, it would continue.

Members referred to the HMICS Online Child Sex Abuse Report and highlighted the importance of continuing to tackle online crime during current times. MEvans advised that the report was published just after the last meeting of the Policing Performance Committee but committed to the Committee reviewing its implications.

In closing, the Vice Chair emphasised that the Authority is responsible for holding the Chief Constable to account on performance and would continue to work with Police Scotland in improving the performance measurement framework.

The Board **RESOLVED** to:

- **NOTE** reports (a) and (b).

## **8. STRATEGIC AND ANNUAL PLANNING**

### **8a. DRAFT STRATEGIC POLICE PLAN 2020**

The Vice Chair highlighted that the Authority had already approved the initial draft and feedback provided had been incorporated. If the plan was approved, it would be provided to the Cabinet Secretary for Justice then laid before parliament by 31 March 2020.

Barry Sillers (BSillers) thanked Police Scotland for collating the information from the public consultation and provided a brief summary of the thematic feedback. He thanked Michelle Miller (MMiller) for her feedback on the draft.

Kirsty Louise Campbell (KLCampbell) advised Members that there had been a good response from the public and stakeholders and that overall feedback was positive. All feedback had been taken into consideration and any comments which were not supportive were being analysed to identify any trends and implications for future planning.

The Board **RESOLVED** to:

- **NOTE** the report.
- **APPROVE** the draft Strategic Police Plan 2020

### **8b. DRAFT ANNUAL POLICE PLAN 2020/21**

The Vice Chair highlighted the police plan was not for approval but that Police Scotland was required to consult on it with the SPA.

During discussion, Members raised concern on the following areas:

- The plan did not address strategic workforce planning.
- The plan failed to identify any prioritisation.
- There was no accompanying performance framework therefore a lack of key measures to identify what had been achieved.
- It was not clear whether suggested changes advised by the Policing Performance Committee Members had been incorporated.

DPage responded that there is prioritisation across the change programme but acknowledged this may not be clear within the report. The Vice Chair requested that feedback from Members be collated and a formal response from SPA be provided to Police Scotland.

The Board **RESOLVED** to:

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

Feedback from Members to be collated and a formal response from SPA provided to Police Scotland.

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### **8c. DRAFT SPA CORPORATE PLAN 2020/23**

LBrown referred to the report, noting the plan was part of a package of key documents to demonstrate and drive continuous improvement in the organisation. BSillers added that preparation of the plan had included a

light touch engagement process and feedback had been taken from Police Scotland.

LBrown was questioned on why there was no reference to police officer numbers in the report. She responded that officer numbers were only ever accurate at a specific time so it was difficult to put numbers into a three year plan. However, she recognised it would be beneficial to add an 'at present' number.

In response to a question regarding promotion, BSillers advised communication and promotion of the plan would be through the SPA's website and social media accounts.

The Board **RESOLVED** to:

- **NOTE** the report.
- **APPROVE** the draft SPA Corporate Plan 2020/23, with the additional information included on officer numbers.

## 9. SCOTTISH POLICE AUTHORITY BUDGET 2020/21

Chris Brown (CBrown) provided an overview of the report, highlighting that there had been one substantive change since the report was presented to the Resources Committee – revenue deficit had increased to £44m due to anticipated effects of COVID-19 such as cancelled events and airport income.

Elaine Wilkinson (EWilkinson), Chair of the Resources Committee, acknowledged the work undertaken by the finance team and advised that the Committee recommended the budget to the Authority.

In discussion the following matters were raised:

- Members noted that the budget was based on recruitment of 200 officers per quarter, however, the Chief Constable had intimated that 350 officers were being recruited in Quarter 1. They questioned if that posed a further financial risk. James Gray (JGray) responded that if the UK Government COP26 team do not fund the policing costs, then it was possible to re-profile recruitment during the rest of the year to balance the numbers.
- LBrown acknowledged that income is now a challenge due to COVID-19. It is an unprecedented event which could lead to additional expenditure and the SPA and Scottish Government would monitor that.

- Members discussed the forensics budget and whether the allocation is enough to deliver Forensic Services 2026. JGray responded that Forensic Services had confirmed they were content with the reform and capital budget allocated. Although the budget may not be the preferred amount, it was a substantial increase to previous years. EWilkinson added she understood the rationale for the Forensic Services budget and understood it could be managed through business as usual activities.
- Members were advised that the Staff Pay and Reform Modernisation (SPRM) project had seen significant delays and managing key milestones had had an impact on all change programmes. It had therefore been allocated a significant amount of the reform budget which was unexpected. £7.5m is at risk for other change areas due to SPRM.

The Board **RESOLVED** to:

- **NOTE** the report.
- **APPROVE** the SPA Budget 2020/21 on the basis that it would be subject to continuous monitoring.

## **10. STRENGTHENING GOVERNANCE AND ACCOUNTABILITY**

### **10a. SPA WHISTLEBLOWING POLICY**

John McCroskie (JMcCroskie) referred to the report, highlighting Members had been provided with a version which showed tracked changes based on feedback from the trade unions. He thanked John MacLean from the SPA HR Governance team for the stakeholder engagement undertaken. He advised that MMiller was now the Whistleblowing Champion and had already been in contact with DCC Taylor regarding the role. JMcCroskie confirmed that engagement work continues on standardising whistleblowing work across the two organisations.

The Board **RESOLVED** to:

- **NOTE** the report;
- **APPROVE** the SPA Whistleblowing policy

### **10b. AMENDMENTS TO SPA CORPORATE GOVERNANCE FRAMEWORK**

Susan Montgomery (SMontgomery) referred to the report and highlighted:

- The format and content of the proposed Audit, Risk and Assurance Committee Terms of Reference are based on example terms of reference included within the Scottish Government Audit and Assurance Committee Handbook. They have been drafted at the request of Audit Committee Members who provided input during their development.
- The Exceptional Circumstances Committee is to be established to deal with urgent business of the Board which due to exceptional circumstances such as COP26 and COVID-19 cannot practicably be dealt with through the normal process for an ordinary or special meeting of the Board. The paper stated that the Committee should be comprised of a Chair and two Members, however it was now recommended that there should be three Members alongside a Chair.

The Vice Chair noted he was aware that the creation of the Committee could be seen as circumventing the responsibilities of the full Board. Therefore, specific interpretation of exceptional circumstances would be defined and communicated to the Board and any decisions taken would be subject to scrutiny by the Board. The requirement for and effectiveness of the Committee would be regularly reviewed.

It was proposed that Membership of the Exceptional Circumstances Committee be EWilkinson, Caroline Stuart (CStuart), and THalpin, with the Vice Chair as Committee Chair.

The Board **RESOLVED** to:

- **NOTE** the report;
- **APPROVE** new terms of reference for the Audit, Risk and Assurance Committee;
- **APPROVE** terms of reference for a new committee to deal with urgent Board business in exceptional circumstances,
- **APPROVE** the establishment of the Exceptional Circumstances Committee and appoint David Crichton, Tom Halpin, Caroline Stuart and Elaine Wilkinson as Members to that Committee; and
- **APPROVE** the standing down of the COP26 Expenditure Committee conditional upon the COP26 budget being approved at Item 15.

### 10c. INTERNAL AUDIT PLAN

Gary Devlin (GDevlin) referred to the report and highlighted there had been a lot of collaboration between Internal Audit, Police Scotland and SPA. He noted Internal Audit were appreciative that the plan may change at short notice on the needs of the organisation due to COVID-19.

Jane Ryder (JRyder), Chair of the Audit Committee, commented that the plan had benefitted from Member feedback, provided at the recent Audit Development Day on 10 March. She acknowledged much had changed since then but priority should remain on financial controls.

DPage confirmed that Police Scotland were content with the plan and agreed that internal teams worked well with Internal Audit.

The Board **RESOLVED** to:

- **NOTE** the report;
- **APPROVE** the Internal Audit Plan

### 11. COMMITTEE AND OVERSIGHT GROUP REPORTS

The Chair noted the number of reports tabled and invited Committee and Oversight Group Chairs to highlight any additional information not contained within the written reports.

- **Succession Planning and Appointments Committee:** The Vice Chair referred to the written report. With regard to the Accelerated Leadership Pathway, Members requested that Jude Helliker confirm whether the pathway will be incorporated into strategic workforce planning.
- **Policing Performance Committee:** MEvans referred to the written report, highlighting that work on the data journey would be reported to the full Authority at a relevant time.
- **Legal Actions, Claims and Appeals Committee:** Mary Pitcaithly (MPitcaithly) referred to the written report and highlighted that the next Committee had been rescheduled due to COVID-19.
- **Complaints and Conduct Committee:** Matt Smith (MSmith) referred to the written report and highlighted that good progress was being made on the Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing

- **CAM Working Group**: MEvans referred to the written report and highlighted that the group were sighted on the accelerated roll out of CAM and were supportive of the decision.
- **Resource Committee**: EWilkinson referred to the written report.
- **Audit Committee**: JRyder advised that in the current circumstances, priority should remain on keeping to the timetable for the Annual Report and Accounts.

The Board **RESOLVED** to:

- **AGREE** the following action;

Jude Helliker to confirm whether the accelerated leadership pathway will be incorporated into strategic workforce planning.

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