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19 November 2020

David Crichton Esquire
Interim Chair,
Scottish Police Authority,
1 Pacific Quay,
Glasgow
G51 1DZ

Dear David,

FUTURE OF THE INDEPENDENT ADVISORY GROUP (“IAG”)

At the time of our last report to the Board for its meeting on 30 September, it was anticipated that the work of the IAG would be winding up around now and that we would submit a final report for the Board meeting on 25 November. As you know, things have changed.

Further to my recent discussion with David Crichton, Vice-Chair of the Authority, and discussions within the IAG, it has been agreed that the Group will continue its work for a further period of time, the duration to be determined by the extent of continuing existence and use of emergency powers by Police Scotland.

In September, we saw increased restrictions following a reasonably sustained period of easing. Restrictions have continued to develop at a national, regional and local level with the new Tier system

introduced to replace to Scottish Government's Routemap out of Lockdown.

We have seen additional challenges to restrictions – in practice and in principle - in the areas of law, politics and the media. While additional scrutiny of government action is entirely appropriate, indeed welcome, public debate has become increasingly polarised between the significant minority who appear to want greater enforcement and an apparently growing minority who want none. Our suspicion is that neither of these groups speak for the majority of the public who remain worried and uncertain as to the best course of action by government, while prepared to do what is best for the community as a whole. It will be apparent with an increase in, or greater attention to, the two minorities, the role of policing becomes ever more challenging. In our discussions, it was agreed that the need for additional human rights scrutiny and advice still existed, and that we should continue our work to offer assurance to the public that policing of the pandemic remains in line with Police Scotland values and human rights principles.

FREQUENCY OF MEETINGS

We will keep under review the frequency of our meetings which have continued on a weekly basis until now. We have discussed the possibility of meeting instead every two or three weeks. If the frequency changes, we would retain the option of arranging additional meetings at short notice if required. Much of our work has been done between meetings and this will, of course, continue.

DATA

Professor McVie continues to work on data from the earlier stages of lockdown up to the end of May 2020. This work has focused on the characteristics and circumstances of those individuals who were issued with Fixed Penalty Notices, with a view to understanding more about the underlying factors that impacted on compliance during the first wave of the pandemic. She has also been working with the Scottish Courts and Tribunal Service to provide an additional perspective on the outcomes of enforcement from that period. We consider it important to complete this work to allow us to offer lessons from lockdown at its earliest and most restrictive phase.

In addition, Professor McVie will analyse more recent data to bring the picture more up to date and reflect some of the differences in restrictions more recently.

OPTICAL GROUP (Operation TALLA Information, Collation, Assurance and Liaison)

Police Scotland continues to support our work in a number of ways – the attendance at IAG meetings by members of the Executive Team as well as regular discussions with Divisional Commanders. Crucially, our work is assisted by the OptICAL Group chaired by ACC Gary Ritchie. That group has also met weekly, usually just before the IAG meetings and deals with all data and information requests. It has proved invaluable to our work. Four members of the IAG – Professor McVie, Martyn Evans, Ephraim Borowski and me – attend OptICAL meetings and ACC Ritchie regularly attends IAG meetings.

SURVEYS

We continue to listen to the views of the public in a number of ways, including through public surveys carried out by Police Scotland and the Scottish Police Authority. The Authority has kept open a public portal for the public to offer its experiences and views on the emergency powers. It remains available until the end of November at which time its use will be reviewed.

This and the surveys provide qualitative information which helps to supplement and contextualise the data.

LIVED EXPERIENCE

We are reaching out through our networks to try to hear from some of those groups who feature in the data in terms of failing to adhere to regulations. We want to understand the issues affecting adherence, whether they relate to deprivation or other economic pressures, poor and ineffective communications, or other factors.

In addition, we are looking at options for additional interviews of police officers and other Police Scotland staff. Gill Imery's team at HMICS carried out interviews for us in June and we think that there would be considerable benefit in a further round of interviews to give us perspectives on the latest phase of the pandemic from both sides

of the frontline of engagement with the public. We are looking at these interview taking place in early 2021.

EXPERTS

We continue to engage with relevant academics and experts to inform and assist our work. Details are attached in the Workplan.

STUDENTS

Having identified the handling of the return to university and college as an example of poor communications and inadequate information and reassurance (by government and universities), we are pleased to see that communications around the return of students to their homes has been addressed in advance and with greater effort to avoid confusion and concern on the part of students and their families.

TRAVEL RESTRICTIONS

We note that, for the first time in Scotland, travel restrictions will be introduced through regulations as opposed to guidance. Given our previous comments about enforcement realism, we will monitor this new approach with care.

GATHERINGS, POWER OF ENTRY, ARRESTS AND QUARANTINE

We continue to monitor data on these aspects of engagement and enforcement on a weekly basis, offering additional assurance with due regard to proportionality and necessity.

WORKPLAN

We enclose our updated Workplan which offers additional detail on our work since our last report.

John Scott

John Scott QC Solicitor Advocate

