

BOARD MEETING

17 January 2020

Minute of the Scottish Police Authority Board Meeting held on Friday, 17 January 2020 in John McIntyre Centre, Edinburgh

(This meeting is available to view through our dedicated Livestream channel: <https://livestream.com/SPA/17January2020>)

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

Apologies Gordon Dewar
Tom Halpin
Robert Hayes

In attendance: Police Scotland (PS)
Chief Constable (CC) Iain Livingstone
Deputy Chief Constable (DCC) Malcolm Graham
Deputy Chief Constable (DCC) Will Kerr
Deputy Chief Constable (DCC) Fiona Taylor
Deputy Chief Officer (DCO) David Page
Assistant Chief Constable (ACC) Bernie Higgins (*Item 7*)
Kirsty-Louise Campbell, Head of Strategy and Innovation (*Item 5*)

Scottish Police Authority (SPA)
John McCroskie, Director of Communications and Engagement
Barry Sillers, Director of Strategy and Performance

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 noted it was the first Authority meeting of 2020, an additional meeting to the annual schedule to allow timely discussion of the Draft Strategic Police Plan.

The Board **RESOLVED** to:

- **NOTE** Member apologies as above;
- **NOTE** no decisions of interest;
- **ADOPT** the minute of the 27 November 2019 meeting with the proposed amendment:
Item 6, page 8, bullet point 3 should read "Replacing ultra-low emission vehicles over ten years, unmarked fleet initially followed by marked fleet, and building the appropriate infrastructure to support this".
- **NOTE** the action log and that there were no matters arising;
- **NOTE** no decisions had been taken via correspondence since the last meeting;
- **AGREE** that, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Board would consider items 9 - 11 in private for the reasons set out on the agenda.

2. SPA VICE CHAIR'S REPORT

The Vice Chair referred to his report and highlighted the following areas;

- With regard to the effectiveness and sustainability of the system for scrutiny of policing, he noted the system is complex and multi-layered with a number of organisations involved resulting in the potential of overlap. The system has not yet stabilised but that does not suggest that it cannot be made to work. The Vice Chair agreed with the statement made by the Justice Committee that the core principles are robust and relevant. On behalf of the Board, the Vice Chair advised that it was the Board's intention to continue to exercise the powers and responsibilities defined within the statute.

- With regard to financial sustainability, the Vice Chair highlighted that the SPA had consistently raised concern over the previous months as have both the Chief Constable and Audit Scotland. He acknowledged there was a structural deficit in the policing budget and with 90% of the budget allocated to staff costs, difficult choices would have to be made by SPA, Police Scotland and Scottish Government.
- With regard to the Policing of the 26th Conference of the Parties (COP26), the Vice Chair noted he recognised that the policing costs will be substantial and it was essential that costs were fully recovered from UK government. A number of aspects of policing COP26 touch on the role and responsibility of the SPA such as funding and staff health and wellbeing. As a result, the Vice Chair proposed to establish a short life working group chaired by Tom Halpin (THalpin).
- The Vice Chair commented on legacy SCDEA issues, confirming that he and THalpin had reviewed, in confidence, the peer review report carried out by the Metropolitan Police and subsequently provided to the Crown Office. The Vice Chair reiterated comments previously made by the Authority that there was confidence that the current scrutiny of undercover policing is robust and lessons had been learned from previous events. The Vice Chair noted a report from HMICS was expected which would identify whether current recommendations in relation to undercover policing were still valid.

The Chief Constable endorsed the comments made regarding legacy SCDEA issues and undercover policing, and also welcomed the proposal for a COP26 short life working group.

The Board **RESOLVED** to:

- **NOTE** the update
- **AGREE** the established of a COP26 short life working group.

3. CHIEF CONSTABLE'S REPORT

The Chief Constable summarised his report which provided Members with information relating to the Police Service, policing and the state of crime. In addition to his report he also highlighted:

- The Homicide Governance and Review team was established by Police Scotland to keep every case under review. It reinforces and exemplifies improvements in crucial areas of policing with national

frameworks and resources supporting local divisions to achieve results.

- Day to day policing during the festive period was busy due to the Festive Drink and Drug Driving Campaign, the General Election, large Christmas events and high profile football matches. The Chief Constable thanked all those in policing for their contribution during this time.
- With regard to Brexit, the Chief Constable advised that after an assessment of the risks the decision was taken to maintain 400 officers over and above the planned level. This provided the operational flexibility to respond quickly and effectively during periods of demand. The Chief Constable advised it was the right deployment model to continue in 2020.
- With regard to COP26, the Chief Constable informed Members the conference would likely attract further demonstrations. Early assessments indicated that the policing costs of COP26 could potentially exceed £200million. The policing operation will be bigger and more significant than the Commonwealth Games and the 2005 G8 summit. The Chief Constable reiterated the Vice-Chairs comments that full cost recovery was necessary.
- At the COP26 Operations Board meeting in London, the Chief Constable raised concern with regard to policing in three broad areas: governance, risk and funding. He will reiterate these concerns in writing to Scottish and UK Government and seek clarity.
- The key priority during COP26 is to police without disruption and minimise impact to communities. Therefore it is not appropriate to reduce officer numbers in March, as previously stated.
- The Chief Constable attended the Chief Constables Council in London where great interest was shown in work undertaken in Scotland in areas such as operational response to public protection, organised crime and terrorism.

In discussion the following matters were raised:

- The Vice Chair paid tribute to the officers and staff for their hard work over the festive period. He also congratulated those who were on the New Year's Honours list.
- The Chief Constable was asked if the standing down of officers would have occurred in March 2020 had COP26 not be taking place. The Chief Constable responded that there was still an increase in

demand due to Brexit and other events so it was unlikely the entire number of 400 would have been stood down.

- Members noted that the benefits of a force reserve should be explained in a strategic workforce plan, and production of the plan remained an urgent priority.
- The Chief Constable was asked to detail the role of forensics services within the cold case reviews. The Chief Constable responded that the role of forensic services was a key part of historic cases albeit one part of the whole investigation. Developments in forensic science has fundamentally helped but the combination of those developments with the discipline and categorisation of work undertaken by the Homicide and Governance Review team as well as the close working relationship with the Crown has brought positive results. Along with the change in double jeopardy laws, there is an expectation that further cold cases will be solved.
- With regard to the Contact Assessment Model (CAM), the Chief Constable agreed he was committed to and would welcome an independent evaluation of CAM in 2020.
- At Members request, the Chief Constable agreed to provide a briefing paper which detailed further information regarding the Criminal Justice Summary Case Management Pilot.
- With regard to the force reserve, the Chief Constable was asked if there was evidence to support retaining part of the reserve permanently to improve business as usual requirements. He responded that the ability to mobilise quickly is a key factor of the force reserve which gives a better policing response and is less disruptive to other officers.
- The Chief Constable confirmed that the resource allocation model will look at Brexit implications.
- The Vice Chair noted the importance to provide good long term evidence to support decisions taken. The Chief Constable agreed and highlighted how the organisation had responded through increased strategic planning to build a sustainable service but recognised the gap due to the lack of a strategic workforce plan.

The Board **RESOLVED** to:

- **NOTE** the update.
- **AGREE** the following action:

Criminal Justice Summary Case Management Pilot: Briefing paper to be provided to Members detailing further information regarding pilot, benefits seen since launch and other anticipated benefits.

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4. SPA INTERIM CHIEF EXECUTIVE'S REPORT

John McCroskie (JMcCroskie) referred to the report which updated Members on activities carried out by the Chief Executive and significant areas of development since the previous Authority meeting on 27 November 2019. He highlighted that the Chief Executive recognised the engagement and contribution of staff to the organisational development work.

The Board **RESOLVED** to:

- **NOTE** the report.

5. DRAFT STRATEGIC POLICE PLAN (2020) FOR CONSULTATION

Barry Sillers (BSillers) referred to the report which provided the background and key approach taken to the revision of the Strategic Police plan, highlighting:

- A collaborative approach was taken in developing the plan involving coproduction and joint working between Police Scotland Officers and staff, SPA Members and SPA executive staff and the Police Scotland Strategic Coordination Unit.
- The adoption of an outcome based approach enabled a clearer articulation of the national context and alignment of five strategic outcomes through the national performance outcomes, justice system outcomes and revised strategic police priorities.
- The plan will drive continued improvement to the current outcome based performance framework.
- A number of key areas have been enhanced, including: the policing response to cyber threats; actions to address environmental and climate change issues; renewed drive in partnership and pro-active prevention; and the wellbeing, safety and protection of the people who deliver the service.

The Chief Constable reiterated the comments made on the collaborative approach taken. He thanked Kirsty-Louise Campbell (KLCampbell) for her

contribution. She added that the plan is based on the most robust strategic assessment carried out across operational policing.

Martyn Evans (MEvans) endorsed the comments made on collaboration and noted that a balance of clarity with brevity has been achieved. He highlighted the importance of aligning the performance framework with the outcome based approach. He further added that SPA were looking to create their own corporate strategy which links to the Strategic Police Plan.

In discussion the following matters were raised:

- Members highlighted the importance of avoiding the pace of work being effected by COP26. The Chief Constable agreed it was an enormous challenge but was committed to respond to it. He added that the plans were good but financial investment was key.
- KLCampbell confirmed that the consultation period would be proactive and collaborative. Citizen space was being utilised to allow public and communities around the country to be able to view and comment on the strategy by answering specific questions. Local Commanders would be engaging with local groups and communities on the narrative and extensive work will be undertaken to oversee social media responses. An oversight of all the feedback received will be brought to the Authority in March 2020.
- With regard to the connection between strategy and financial investment, DPage stated that the strategy was reliant on receiving additional funding, and could not be achieved without it. MEvans explained that the strategy set out the high level ambition of policing - commitments to activity and shared commitments to the five strategic outcomes. Once the plan has gone through a consultation period, a financial profile should be developed for the first three years which will indicate what can be achieved, on the basis of evidence. The authority will use the performance framework to determine the extent to which the joint ambition was achieved, dependent on the financial envelope. That way it is collegiate and provides clarity of purpose that the Authority oversee, support and promote, and the Chief Constable delivers both continuous improvement and continuity of service.

In closing, the Vice Chair reiterated that the ability to argue for more resources is constrained without highlighting the shared vision and high level ambition of what the service want to achieve. He also

added that although collaborative, there had been hard discussions and challenge during the strategy's development which made it richer and persuasive.

The Board **RESOLVED** to:

- **NOTE** the report
- **AGREE** to take the draft Strategic Police Plan (2020) to consultation during the period 20 January to 2 March 2020.

6. BREXIT CONTINGENCY PLANNING

DCC Will Kerr (DCC Kerr) referred to the report which provided an update on EU Exit contingency plans. He advised that based on what is anticipated for 2020, the force reserve should remain to alleviate pressure on local policing and staff extractions.

In discussion the following matters were raised:

- With regards to levels of demand, Members noted that there had been significant progress of transformational projects resulting in additional policing resource which contributes to managing demand. The Chief Constable agreed to look at improving ways of capturing benefits achieved through the change programme and how those benefits are reinvested.
- The Chief Constable was asked for further information on international implications of Brexit. He responded that the international unit and border policing command team have been increased. Justice will be a major part of Brexit negotiations as there is a real appetite among justice partners to remain in Europol. However if Police Scotland is formally asked to step out of the EU justice measures, then without European arrest warrants some work will take longer to progress.
- The Vice Chair advised that Brexit implications would be reported at the next Authority meeting with a separate report on the force reserve. The Chief Constable added that there are large operational implications of post Brexit which will be required to be reported to the Authority but agreed that the force reserve should be discussed in a difference context.

The Board **RESOLVED** to:

- **NOTE** the report

7. POLICING OF THE 26th CONFERENCE OF THE PARTIES (COP26)

ACC Higgins (ACCHiggins) referred to the report which provided Members with a situational overview of COP26. In addition to the paper, he highlighted:

- The set up arrangements regarding the blue and green zones in the immediate event campus and the current uncertainty of how Police Scotland would react to a large incident within that area.
- Planning assumptions are being developed with eight to nine months to get everything in place. Full operational policing of the event will commence two weeks prior to the conference and mutual aid requests will be made from throughout the UK and Northern Ireland.
- Police Scotland continue to deliver a consistent message to the organisers regarding concerns on event governance, risk and finance. Based on professional judgements, the cost of policing the conference will be approximately £200million. Full cost recovery is essential to allow no financial detriment to Police Scotland.

In discussion the following matters were raised:

- Once agreement is met on basic planning assumptions, Members requested they be provided with the total cost and breakdown.
- Members were supportive of the approach for no financial detriment. The Chief Constable advised that Police Scotland were fully supportive of the conference coming to Scotland but on the proviso of full cost recovery. David Page (DPage) added that the response to financial management monitoring has been very positive.
- With regard to core costs, Members were advised that Police Scotland are in discussions with Scottish Government who are supportive of recovering core costs. Members questioned if cost recovery will include costs which will come after the event such as potential legal costs. DPage advised that it is pertinent to determine the definition of core and non-core costs and discussions were ongoing regarding this.
- Following a discussion on mutual aid, ACCHiggins provided an overview of how the number of mutual aid requests would be determined.
- Members requested further information on what mitigating actions are planned to ensure 'business as usual' activities continue to be delivered and also what decision making process is anticipated for

deprioritising other commitments. ACCHiggins advised that business as usual is treated as a priority with any gapping in resource provided by mutual aid. With regard to deprioritising, the Chief Constable added that decisions are informed by and taken through internal governance.

In closing, the Vice Chair thanked Police Scotland for all the work undertaken thus far. Having publicly reported the anticipated costs of £200million, he highlighted the importance to confirm the agreed total cost as soon as practicably possible.

The Board **RESOLVED** to:

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

Following agreement on basic planning assumptions, totality of cost and breakdown to be provided to Members.

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8. UPDATE ON DIGITAL TRIAGE DEVICES AND LESSONS LEARNED

DCC Malcolm Graham (DCCGraham) referred to the paper which provided a status update in respect of Police Scotland's proposed roll out of Digital Triage Devices. He highlighted:

- Almost every crime dealt with has a digital element and those most affected are often the most vulnerable.
- The roll out of devices will lead to faster justice, better safety and prevention. This is balanced with legitimate concerns raised such as privacy, intrusion and the use of data. Lessons have been learned through engagement and consultation.
- The visibility, detail and credibility around the consent process have been refined and improved. Clarity of the legal basis has also been improved and is laid out clearly. The level and nature of public information and internal training is considerable and unprecedented.
- It was recognised that the ethics of using and gathering data is a wider concern of society. To address this, Police Scotland have undertaken significant engagement with other UK colleagues who have similar concerns and challenges around data ethics. Police Scotland are also building stronger internal governance of data ethics.
- The use of devices will assist in meeting the first priority of the strategic police plan.

- ACCGraham encouraged and endorsed Member feedback in relation to the post implementation review.

In discussion the following matters were raised:

- Members requested further information on performance metrics and governance, and sought confirmation that Police Scotland is capturing the data content and the necessary management information. DCCGraham advised that the data content is captured but only retained in the event that it is required for evidential analysis. The footprint left details backlog information, turnaround times and volume of data which is tracked against criminal justice outcomes which is key for performance metrics. With regard to governance, compliance is subject to HMICS scrutiny and through current work on digital forensics.
- With regard to internal and external evaluation, DCCGraham advised that data will be gathered post implementation for internal review. The external stakeholder group will continue to run through the post implementation review period.
- DCCGraham was asked if consideration had been given to phasing the post implementation review. DCCGraham confirmed that an incremental approach would be taken.
- Members noted that the pace of technology innovation appeared to be outstripping the legal framework and the difficulty of how the Board can scrutinise and hold to account decisions taken regarding the use of technology devices in policing. The Chief Constable advised that the Cabinet Secretary for Justice has an interest in this area and is to establish a group to look at the use of technology across the justice sector. The legislation and common law used by Officers has not envisaged some of the technological challenges or opportunities that currently exist. The Chief Constable added that while it was crucial to adhere to guidance and the law as it exists, there was an ethical imperative for Police Scotland to use technology to assist policing.

The Board **RESOLVED** to:

- **NOTE** the report.