

**Meeting 10th July 2020 12:00 – 14:00**

**Members attending:**

John Scott QC, Solicitor Advocate (Chair)

Bruce Adamson, CYPCS

Ephraim Borowski, Chair of the National Independent Strategic Advisory Group

Martyn Evans, Scottish Police Authority

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

Dr Elizabeth Kelly, NHS Scotland and Associate Carnegie UK Trust

Susan Kemp, Scottish Human Rights Commission

John Logue, Deputy Crown Agent Operational Support, COPFS

Naomi McAuliffe, Programme Director Scotland, Amnesty International

Professor Susan McVie, University of Edinburgh

ACC Gary Ritchie, Police Scotland

Dr Catriona Stewart, Scottish Women's Autism Network

**Apologies:**

Aamer Anwar, Solicitor and Human Rights campaigner

Tressa Burke, CEO Glasgow Disability Alliance

Maria Galli, CYPCS

DCC Will Kerr, Police Scotland

Brian Scott, Glasgow Disability Alliance

**Secretariat support:**

Jennifer Blackwood, SPA Communications

Eleanor Gaw, SPA Community Accountability

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### 1. Welcome and introductions

The Chair welcomed members to the meeting. He introduced Professor Cliff Stott, Professor of Social Psychology, Dean for Research in the Faculty of Natural Sciences, and Director of the Keele Policing Academic Collaboration (KPAC) who would be briefing members and leading discussion on agenda item 2, Policing, Protests and the Pandemic.

### 2. Policing, Protests and the Pandemic.

The Chair introduced discussion, and highlighted that while policing of protests is not in the group's Terms of Reference, it has been significantly impacted by the pandemic, emergency powers could have been used in the policing of protests and the group may wish to offer related input or recommendations in reporting to the SPA.

Professor Stott outlined the nature of public assemblies, the factors influencing the behaviours of crowds, and some of the related challenges for policing. He challenged some "common sense" assumptions on the (bad) behaviour of crowds, and indicated that crowd behaviour is driven by meaning, and that how the groups in a crowd interact governs how and why they behave the way they do.

Covid-19 disproportionately impacts those at the lower end of the socio-economic spectrum, and ethnicity is intersectional with class. Professor Stott indicated that while Black Lives Matter protests developed in this context, they have taken on a dynamic of their own. In addition, the situation is being exploited by some far right groups to foment social conflict.

A key question is balancing rights with the need to police public assembly during the crisis. As control measures ease, so too does the potential capacity for enforcement of all but the most flagrant violations. Public assembly can become a focal point for conflict and critical incidents inflame social tension. In these circumstances, de-escalation is a critical priority for policing.

Professor Stott highlighted the importance of police community networks, as essential to developing the capacity to de-escalate through dialogue and communication. In this context, Police Scotland is well positioned to take advantage of its community based approach. The local relevance of sectarianism in Scotland was noted, particularly if exploited by those seeking to promote conflict.

Members discussed the challenges of communicating effectively with different "publics" with a range of different expectations and requirements – for example, those wishing to assemble or protest, and those seeking to understand why protests have been allowed to continue. Political support for the de-escalation approach was viewed as key.

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Professor Stott challenged the use of the word protest – for example, young people often just want to be able to assemble which is, in fact, the right in question. He also highlighted the need to think ahead to the potential impact of economic downturn, and keep sight of any developments around protests and asylum seekers.

He indicated that the justification for enforcement becomes potentially reduced in law as the pandemic risk reduces, and forceful intervention in public assemblies at that point may become an Article 2 issue. Proportionality changes rapidly in this context. The issue is about public adherence – making a choice to adhere to regulations and guidance for good reason – rather than compliance.

Professor Stott considered that Scottish Policing is building on success and innovation, particularly in the public health approach to tackling knife crime. He recommended using this public health approach in developing strategies around tackling sectarianism, and the policing of football.

The Chair and members thanked Professor Stott for his contribution.

### 3. Note of the previous meeting and matters arising

The requested revisions to Citizen Space have now been made to include the full range of protected characteristics, and to include one additional question on whether the respondent considered that a protected characteristic has impacted their experience of engagement or interaction with policing, in connection with Covid-19. The data from the previous question set was fully captured ahead of the changes being made.

### 4. Data and evidence

- 4.1 The report from Professor McVie on the refreshed data ask will be tabled Friday 17<sup>th</sup> July. Professor McVie updated members that additional data is likely to be available on FPNs and complaints and this will be discussed more fully at OpTICAL ahead of sharing with the IAG.
- 4.2 SWAN Scotland survey. Dr Stewart introduced the revised report, and invited questions and comments. The group considered that the findings highlight -
  - the key importance of effective communication in building public confidence, and that this has been a significant challenge impacting on people with autism
  - some groups of people do much better when there is a clear list of “do’s and don’ts” rather than general statements about common sense and discretion
  - the adverse impact of lack of clarity on what is permissible and related anxiety on, for example, any risk of breaking the rules or being challenged if perceived as breaking the rules; around wearing a mask; requirements or potential conditions around returning to work, or being able to go shopping and outdoors.

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**Action:** Members agreed that the SWAN Scotland survey be included as an appendix in the report to the August SPA Board.

4.3 OpTICAL. ACC Ritchie updated members that work is ongoing to support the assurance function, and progress the manual analysis of data around ticketing.

5. Joint meeting with the SPA on the work of the Independent Advisory Group on 30 July 2020. The Chair outlined the proposed discussion with SPA members via Teams on the morning of 30<sup>th</sup> July. Members agreed that it would be appropriate to invite Dr Liz Aston to chair the discussion, and that questions should be sought in advance of the meeting. All members were asked to promote and publicise through their own networks.

It was proposed that additional work reflected in the reports from GDA, SWAN Scotland and the Independent Children’s Rights Impact Assessment could inform IAG input for 30<sup>th</sup> July, and be reflected in the August report to the SPA Board.

**Action:** Eleanor to circulate draft programme for the day for feedback, and fuller discussion 17<sup>th</sup> July 2020

**Action:** Secretariat to offer supporting information for wider communication

**Action:** Members will promote via their own networks, to invite questions.

6. Citizen Space Update

J. Blackwood updated the group that a further 3 responses had been received this week, taking the total received to 66.

	10 July	3 July
Responses	66	63
% police contact	24 (36.3%)	22 (34.9%)
% opinion unchanged	44 (66%)	44 (69%)
% opinion worse	8 (12%)	6 (9.5%)
% opinion better	11 (16.7%)	10 (58%)
Age Group (most responses)	55-54 (19)	55-64 (18)

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	No u18s	No u18s
Male/Female	30/32	24/23
BAME	6	6
Happy to be contacted	25 (37.8%)	23 (36.5%)
Happy for the response to be public	50 (75.2%)	48 (76%)

**7. AOCB**

Professor McVie and Bruce Adamson will discuss data requirements on the impact on children and young people, including consideration of the data sets available from the SG Chief Statistician, separately from IAG discussions. The matter has already been reflected in discussions at OptICAL, but a clearer picture of the requirements and what is within the scope of the IAG Terms of Reference is to be determined. The discussion will then be taken forward in the OptICAL Group.

**Action:** Professor McVie/ Bruce Adamson

The second International Comparison report from Francesca Warren and Francesca Gualco has been re-circulated to members for feedback, and the report will be published late July.

**Action:** All members will provide any final feedback to the secretariat over the course of the coming week.

The Chair's draft letter to the SPA Vice Chair, opportunities to share learning from the 4 "Es" approach, and the wider impact of new regulations was discussed. Members discussed a range of related concerns including the need for clear signage and guidance, the potential for people to self-identify as being unable to wear a mask, related costs and sourcing suitable masks, and public clarity that there is no need for letters of exemption from GPs if you are unable to wear a mask. The speed of legislation and limited opportunity for scrutiny was also noted.

The Chair thanked members for their feedback which will be reflected in a revised draft, to be shared with the SPA Vice Chair Monday 13<sup>th</sup> July.

**Action:** IAG Chair/ IAG members will offer any final feedback over the course of the weekend.

**8. Date of next meeting**  
Friday 17<sup>th</sup> July 13:00

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