

4th May 2020 3 pm

Members attending:

John Scott QC Solicitor Advocate (Chair)
Bruce Adamson, Children and Young People's Commissioner Scotland
Ephraim Borowski, Chair of the National Independent Strategic Advisory Group
Tressa Burke, Chief Executive Glasgow Disability Alliance
Chief Superintendent David Duncan Police Scotland (attending on behalf of DCC Kerr and ACC Ritchie)
Martyn Evans, Member of the Scottish Police Authority
Gill Imery, HM Chief Inspector of Constabulary in Scotland (HMICS)
Dr Elizabeth Kelly, NHS Scotland and Associate Carnegie UK Trust
John Logue, Deputy Crown Agent Operational Support, COPFS
Naomi McAuliffe, Programme Director Scotland, Amnesty International
Professor Susan McVie, University of Edinburgh
Alastair Pringle, Executive Director, Equality and Human Rights Commission
Diego Quiroz, Scottish Human Rights Commission

Apologies:

Aamer Anwar, Solicitor and Human Rights campaigner
Susan Kemp, Scottish Human Rights Commission
DCC Will Kerr, Police Scotland
ACC Gary Ritchie, Police Scotland
Dr Catriona Stewart, Scottish Women's Autism Network

Secretariat support:

John McCroskie, SPA Director of Communications and Relationships
Eleanor Gaw, SPA Community Accountability
Fiona Miller, SPA Community Accountability
Jennifer Blackwood, SPA Communications

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1. Welcome and introductions

The Chair welcomed members to the meeting.

2. Policing, public compliance and moving out of lockdown

Professor Ben Bradford UCL, joined the meeting for this discussion, following on from discussions at the previous meeting with Professor Stephen Reicher.

Professor Bradford referenced early findings from longitudinal survey work he has been involved in on public attitudes to policing the lockdown.

He indicated that while not a representative sample, it is weighted by age and gender. Further work to provide data from a representative sample is underway.

The work focuses on the reasons why people are complying with the restrictions. He particularly highlighted the importance of a sense of legitimacy – people believing that what is prescribed by the law is the right thing to do, and that this moral judgement and sense of legitimacy is a key factor in driving compliance, along with compliance with social norms, and, importantly, people's ability to comply.

The work supported the view that people's acceptance of police legitimacy is informed by their own and vicarious contact with policing. The use of additional powers requires public "buy in", and it is important not to transgress the boundaries of what most people will allow and bring people with you to maintain high levels of compliance.

Discussion included consideration of the speed with which legislation was passed and new powers implemented, limiting the opportunity for public engagement and early scrutiny; and that often there is a correlation between groups who are least compliant or who find it most difficult to comply with the regulations, and those groups which may already have a less good relationship with police, for example, some groups of young men.

The group also considered support for informed public consideration of the use of additional powers and technologies and any human rights implications, including any difference in impact or perceived legitimacy of the use of surveillance technologies to support law enforcement and their use to support public health.

Professor Bradford agreed to remain in touch with the group, and share updates on the survey and research as it progresses.

3. Matters arising

The Chair highlighted correspondence to the Scottish Police Authority Chair from the Justice Committee on SPA Oversight of Covid-19. The letter and the Authority's response will be circulated to members.

Action: Eleanor Gaw to share with the group

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The secretariat will draft an outline work plan for the Independent Advisory Group, bringing together strands already discussed at the IAG, for consideration at the next meeting.

Action: Eleanor Gaw to lead process of initial drafting

The Chair indicated that IAG minutes will be put into the public domain following his report to the SPA Board 20th May 2020.

Action: All members to check for accuracy

The Chair briefed members on his discussions at UK level with counsel and adviser to the Joint Committee on Human Rights, in particular around contact tracing. He noted that there have been discussions around establishing a similar Independent Advisory Group to look at use of the temporary police powers in England and Wales, but nothing has as yet been set up.

4. Priority setting and evidence gathering

Professor McVie introduced an updated paper on priority setting and evidence gathering, and the group discussed related content, alignment with the terms of reference, data availability and collection.

The Chair thanked members for feedback submitted, with particular reference to detailed comments shared by HMICS.

Additional feedback included:

- Proposal to include a question on what people thought would assist compliance
- How to consider any change in the use of the powers going forward
- Prioritised access to perspectives and data on impact on BME groups
- Clarity re what is for the group's considerations, and what sits more appropriately with other bodies, such as COPFS
- Use of complaints processes, if people consider they have been unfairly treated, including appropriate signposting
- Access to information on the use of fixed penalty notices, and whether non-payment or payment is related to perceived legitimacy

The group supported the direction of travel outlined in the paper. It was agreed that the proposals would be refreshed to take account of member feedback and anything out of scope, and aligned to what is set out in the terms of reference, and be shared with the IAG members.

Any other member feedback should be submitted by email to Susan.

Action: S McVie / ALL

The urgency around accessing public opinion was noted, and the SPA longitudinal survey work referenced, with a view to including any additional questions.

Action: John McCroskie/ S McVie will liaise with Martin Smith to take forward

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It was agreed that where information is sought but is currently unobtainable, a record of what is sought will still be retained.

5. Human Rights

The Chair highlighted the Human Rights Reference Tool mentioned by Susan Kemp.

It was agreed that a paper will be developed for the group focusing on human rights implications, and incorporating the "United Nations Human Rights Special Procedures: Guidance on the use of force by law enforcement personnel in time of Covid-19 emergency" (circulated). This will include developing work on implications for Children and Young People. Diego Quiroz offered to lead this piece of work.

Action: D.Quiroz

6. AOCB

Chair referenced group members' participation in the OpTICAL Group 5th May 2020

Close of meeting

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