

Meeting	Authority Meeting
Date	22 January 2022
Location	Video Conference
Title of Paper	Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis - Fifth Interim Report
Presented By	John Scott QC, Solicitor Advocate
Recommendation to Members	For Discussion
Appendix Attached	Yes

PURPOSE

To provide the Scottish Police Authority with a summary of the work of the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis (IAG) since the fourth interim IAG report dated 28 September 2020, and the update provided for the Board meeting on 25 November.

To the Board of the Scottish Police Authority

For the Meeting of 22 January 2021

Fifth Interim Report of the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis

Chair's Introduction

This report is to update the Board of the Scottish Police Authority ("SPA") with a summary of our work since our fourth interim report dated 28 September 2020. In addition to our four previous reports, we provided a brief update on 19 November for the Board meeting on 25 November.

Obviously, due to the spread of the virus, the increase in restrictions mentioned in my letter of 19 November has continued and, indeed, expanded.

New restrictions have been created by amendment of the main regulations that contain the key current restrictions. These regulations, replacing earlier regulations with relevant restrictions, came into force on 2 November, in line with the Scottish Government's Strategic Framework which was published on 23 October 2020. In that document, the First Minister said:

The third harm is to wider society. The virus affects us all, but it does not affect us all equally. We know more about how to help the people most vulnerable to harm in society to stay safe and well, and we are doing more to support those most at risk, and most affected by the protective measures we have had to put in place. We can all help by looking out for others.

Recognition of the unequal impact of the virus and restrictions has been a key theme of our work. Support for those living under restrictions is more important and effective than enforcement, and also more likely to encourage adherence.

The new regulations have already been amended 12 times since 2 November. A legal academic, Tom Hickman (University College London - "UCL") coined the expression "abracadabra law-making" to describe the equivalent frequent, often last-minute, changes to the law in England which also lacked transparency and often avoided adequate parliamentary scrutiny. He said:

The appearance of new criminal laws in this way is reminiscent of a rabbit being pulled from a magician's hat, except the hat here belongs to the Minister and the magic words are not "abracadabra" but "the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make the instrument without a draft having been laid before, and approved by, Parliament". With such words the requirement for the regulations to have prior approval of Parliament before being made is wafted away and the regulations can be brought into effect by executive order and published at the same time. The consequence is that individuals, businesses, lawyers and commentators have inadequate time to analyse what are often complex regulations with serious and immediate impacts on day-to-day lives.¹

This echoes criticisms we have made in some of our earlier reports. While the Scottish Government requires to be able to act quickly in circumstances of urgency, and the tier system offers slightly greater transparency and clarity, this remains an area of concern (see the Addendum to our fourth interim report for more detail). Government needs to be better at ensuring that urgent action without scrutiny occurs only when absolutely necessary, with transparency around justification and detailed scrutiny at as early a point as possible, thereby allowing for proper accountability.

Making greater space for scrutiny would also be consistent with the approach of the Scottish Government outlined in various documents around the Framework for Decision-Making which explained some of the evidence and earlier strategy for handling the pandemic².

The 12 sets of amending regulations in Scotland have involved changes of varying levels of significance. Amendments had seen increased restrictions to the point where the whole of mainland Scotland was in Tier 4 from 26 December 2020. This followed a controversial UK-wide easing of restrictions for Christmas which was reduced from the well-publicised five days to a single day.

In response to increased concerns about new variants of the virus, additional restrictions came into force on 5 and 16 January, with more due to come into force on 22 January. The need for additional or changed restrictions is, of course, kept under constant review. A

¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3732097

² <https://www.gov.scot/collections/coronavirus-covid-19-scotlands-route-map/>

precautionary approach means that easing will happen on a slower, more phased basis than restrictions.

The restrictions introduced on 5 January created what has been described by the Scottish Government as a “temporary lockdown”³, although it is different in a number of respects from the lockdown imposed last March. The main requirement of staying at home is the same but the “reasonable excuses” specified in an illustrative list are wider, allowing more activity than in Spring 2020. In addition, more businesses are permitted to operate and “key workers” now include, for example, jurors attending at the remote jury centres (in cinemas).

The courts offer one example which I can describe from personal experience of how things are different than March. Then, all new jury trials were halted. The courts dealt only with essential business for a period of months, resulting in an increased backlog of cases of all types. Some hearings, for example, criminal and civil appeals, have been taking place virtually from before the summer.

High Court trials restarted on a small scale in July but are now taking place, at times, at levels which are at least the same as pre-pandemic. Concerns about the virus resulted in an announcement on 11 January that most summary business would be delayed but solemn business (trials and other hearings) would continue. Court officials, lawyers and jurors are now included in category two in the definition of “key workers”.

Before Christmas, I appeared in two High Court trials that were held in Glasgow. This was classed as essential travel and accordingly I drove from Edinburgh to Glasgow each day for roughly two weeks. The jurors attended at Braehead from different places on the West Coast.

Despite these and other differences, the early stages of lockdown in 2020 remain important because of the similarities and therefore the opportunities for learning and improvement from that time. That is true also of the approach by Police Scotland over time which has seen the benefit of opportunities to digest, reflect and discuss evidence of policy and practice over the last ten months.

Public Events – IAG and SPA Board

As Board members know, we have held two public events involving the IAG and Board members. These took place on 30 July and 5 October

³ <https://www.gov.scot/collections/coronavirus-covid-19-guidance/>

(recordings are still available on the SPA website at <https://www.spa.police.uk/strategy-performance/independent-advisory-group-coronavirus-powers/public-webinar/>)

Both events were chaired by Dr Liz Aston, Director of the Scottish Institute for Policing Research.

Given the important role of the IAG in public assurance, discussions will continue with the Board and secretariat about the possibility of similar events this year.

Inequality

As outlined in our previous reports, over the last nine months, we have been seeking evidence of different sorts to allow us to assess human rights compliance by Police Scotland in its exercise of emergency powers. This has involved data and other evidence from first-hand personal accounts and testimony (from the public and within policing), general views and impressions, and public surveys. Our aim has been to look at all evidence to inform views and recommendations.

This evidence, and other material, for example, the new report “Left out and Locked Down: Impacts of Covid-19 Lockdown for Marginalised Groups in Scotland” (for details, see below), highlight the fact that health, wellbeing and money are still the main priorities for people, ahead of issues around the policing of the pandemic. However, they also confirm that various aspects of the pandemic have exacerbated pre-existing inequalities and created additional hurdles for adherence to aspects of lockdown.

Poverty and inequality in the pandemic have implications and additional challenges for policing. We know that people living in poverty and some in the most vulnerable groups have had to leave their homes even when we were all being required or encouraged to stay at home. Not everyone is able to work from home or stay safely at home. Indeed, it is frequently those in some of the most deprived circumstances who will be unable to do so and yet have no financial cushion to allow them to miss work even for a short period or find alternative accommodation. The number of people in that position will have increased significantly during the pandemic. Those living in such circumstances who feel compelled to leave the house are obviously more exposed to the possibility of law enforcement measures. This may be particularly so in relation to self-isolation – a crucial part of the strategy for containing the virus.

In relation to the need for support, we repeat what is said in one of the Scottish Government's Framework Decision-Making documents:

*We are also working closely with Police Scotland and others to assess the best ways to ensure continued good compliance where it remains necessary to keep restrictions in place, and enforcement of those which are legal requirements. We recognise that expecting people and organisations to comply with the difficult rules means that we must, in turn, enable people to tell us about how these rules are affecting them. We must listen to those views and take account of them in our future decision making. **We also recognise that people tend to comply with the rules when they are able to do so. This means that we must ensure that the right support is in place provided by different levels of government, the broader public sector and wider partners to enable everyone to comply with the rules.***⁴ [Emphasis added]

In earlier reports, I have mentioned my contact and discussions during the pandemic with colleagues in other jurisdictions, comparing the approach of different governments, parliaments and police services. I have had useful discussions with Eleanor Hourigan and Adam Wagner, respectively Counsel and Specialist Advisor to the Joint Committee on Human Rights at Westminster (which reported in September on the human rights implications of the UK Government's response, wider than but including policing, to COVID-19⁵) and John Wadham, Human Rights Advisor to the Police Service of Northern Ireland Policing Board (who reported in November on his work on the use of emergency powers⁶). These discussions have continued. They reinforce my impression that Scotland has taken a welcome lead in establishing additional collaborative, human-rights based scrutiny of unprecedented powers which might serve as a useful model to others, offering additional public assurance around a state's exercise of exceptional powers in an emergency.

Appendix

Our report is accompanied by the following document as an appendix:

1. Updated workplan.

⁴ <https://www.gov.scot/publications/coronavirus-covid-19-framework-decision-making-further-information/>

⁵ <https://committees.parliament.uk/publications/2649/documents/26914/default/>

⁶ <https://www.nipolicingboard.org.uk/news-centre/thematic-review-policing-response-covid-19-published>

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Liaison with the SPA continues on a weekly basis, largely through our secretariat - Eleanor Gaw, Fiona Miller, Jennifer Blackwood and John McCroskie.

I am delighted that, despite some changes at the SPA and additional responsibilities for these colleagues in addition to their normal daily tasks, the Authority has continued to prioritise this essential support for our work. It could not be done without them.

Since our last letter to the Board, John McCroskie has indicated that he will be moving on from the SPA from 31 January 2021. I have enjoyed working with John and benefited from his astute commentary and observations.

David Crichton has been Interim Chair of the Board throughout the period of our work. The January Board meeting is likely to be his last in this role. I am grateful to David for his encouragement, support, advice and assistance.

I wish David and John all the very best.

John Scott QC Solicitor Advocate

20 January 2021

Online reporting for Covid-19 breaches

In December 2020, Police Scotland established a facility to allow online reporting - <https://www.scotland.police.uk/secureforms/covid19/>

This is intended to make it easier to report breaches or possible breaches, as well as streamlining the process for Police Scotland. From 18 December to 10 January, the system recorded 4,319 reports.

We have asked for additional information to assist us in reporting to the Board on the use of this facility, including any indications of bad faith reports by members of the public.

Compliance, Enforcement and Data: Exercise of the Powers – including the issuing of Fixed Penalty Notices

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Police Scotland continue to publish enforcement data⁷ on a weekly basis which is drawn from the CVI system⁸. Important information is therefore publicly available, reinforcing due awareness of the need for transparency.

For ease of reference, the relevant table for the week to 13 January is included here:

Division	Dispersed when informed	Dispersed but only when instructed	Dispersed using reasonable force	Issued an FPN	Arrested	Issued FPN under Travel Regulations
A	2704	1062	55	230	26	1
D	2840	691	21	247	16	9
N	4352	1115	10	228	34	23
C	5656	1431	121	374	42	16
E	6953	1690	90	653	39	13
J	2983	751	38	240	17	19
P	4698	710	63	349	84	0
G	20889	6574	161	2483	107	36
L	6892	1537	37	628	28	52
K	3865	1415	29	666	32	20
Q	4210	1302	52	884	74	28
U	4391	1604	50	395	29	15
V	1491	472	17	109	35	9
Total	71924	20354	744	7486	563	241
Total number of FPNs issued over the last 7 days - 395						
Total number of Arrests over the last 7 days - 18						
*Please note - the FPNs issued under Travel regulations are also included within the total 'Issued an FPN' and should not be considered as 'in addition to' these.						

The IAG receives weekly updates of data on house gatherings (including entries using reasonable force), and breaches of regulations covering travel and quarantine restrictions. In addition, with the new online system

⁷ <https://www.scotland.police.uk/about-us/covid-19-police-scotland-response/enforcement-and-response-data/>

⁸ In response to the introduction of The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and Coronavirus Act 2020, Police Scotland developed a 'Coronavirus Interventions' (CVI) recording system. This system allowed Police Scotland to begin gathering data in relation to the public co-operation levels with the new legislation. This system relies on Police Officers manually updating the system with the co-operation level they experienced when they encounter an individual in contravention of the new legislation. The CVI System was introduced on 06/04/2020, and as result, data is only available at a sub-divisional level from this date onwards.

for reporting, we receive an update on the number of reports made that way.

Taken together, this gives us a good picture of policing activity up to and including enforcement. This is supplemented regularly with direct input to the IAG from Divisional Commanders.

The work of Police Scotland's OpTICAL group⁹, chaired by ACC Gary Ritchie has continued. This group supports our work and offers an additional opportunity for discussion as we explore explanations and context for some of the data. It is attended on a weekly basis by IAG members Martyn Evans, Ephraim Borowski, Professor Susan McVie and John Scott. Dr Liz Aston is also a member.

Enforcement is an area which will be addressed more fully in a data report by Professor McVie for the February Board meeting. Professor McVie is completing work on data from the early stages of lockdown, including cross-referencing it with data from the Scottish Courts and Tribunal Service.

In addition, Professor McVie will provide updated analysis of figures from the CVI system to demonstrate the use of different forms and levels of intervention across policing divisions between 27 March 2020 and 3 January 2021, covering the first and second waves of the pandemic in Scotland. This will provide a long term view of the use of different forms of intervention under the Coronavirus Regulations, taking account of the Christmas and New Year period, and make some comparisons between policing activity during waves one and two of the pandemic - firstly, from 27 March to the end of June 2020 and secondly, from August 2020 to 3 January 2021. It may also allow us to look more closely at any correlation between disadvantage and enforcement.

As an indication of what is involved in Professor McVie's analysis, up to 3 January 2021, there had been 99,429 recorded interventions in total by Police Scotland, most (91.7%) of which involved use of the first 3Es¹⁰.

⁹ For more information about OpTICAL, see our second interim report – <https://www.spa.police.uk/spa-media/5erhkjeb/rep-b-20200629-item-5-iag-report.pdf>
page 20

¹⁰ The four Es are engage, explain, encourage and enforce. The 4Es approach, which originated with the College of Policing and National Police Chiefs' Council, and underpins the approach of Police Scotland to the exercise of the emergency powers – see <https://www.scotland.police.uk/about-us/covid-19-police-scotland-response/faqs-police-powers/>, has been adopted throughout the UK. In theory, this should mean a consistent policing approach throughout the UK, albeit some forces in England and Wales seem to have rather different interpretations to those in Scotland.

Enforcement made up 8.1% of all interventions (mostly involving use of fixed penalty notices); while 0.7% of activity involved police officers making use of reasonable force to remove someone to a place of safety.

This is a reminder of a crucial part of the context for the use by Police Scotland of the emergency powers. Enforcement represents only a small percentage and amount of overall police activity, even in relation specifically to the pandemic.

Evidence suggests that this is due to the continuing sacrifices and efforts of the public to follow guidance as well as regulations. Data also highlights the success in Police Scotland's use of the 4 Es approach, with enforcement rightly seen as a last resort which has proved effective in generally avoiding the issuing of Fixed Penalty Notices, even where acceleration through the 4 Es has become a feature for blatant or repeated breaches. Indeed, on some occasions involving the most blatant breaches, officers have proceeded direct to enforcement.

We continue to believe that the 4 Es approach has served Police Scotland well. Despite claims by some that restrictions should now be clear to everyone, the reality of "abracadabra law-making" and changed reasonable excuses for being outwith the home, means that good faith mistakes are still possible. The 4 Es allow space for such mistakes to be corrected without enforcement, as well as for officers to understand the differences in the legislative landscape now.

Public attitudes

The UCL Covid-19 Social Study¹¹ continues to provide a useful indication of public attitudes and reported adherence or non-adherence, based as it is on responses from a panel study of over 70,000 respondents from across the UK.

The latest report¹², dated 13 January 2021, included the following conclusions:

¹¹ <https://www.covidsocialstudy.org/>

¹² https://b6bdcb03-332c-4ff9-8b9d-28f9c957493a.filesusr.com/ugd/3d9db5_bf013154aed5484b970c0cf84ff109e9.pdf

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- Compliance has been increasing since September, especially as stricter measures have been brought in, with particular improvements since the start of December when news of the new variant became widespread. Majority compliance with the rules (following them with some 'bending' of the rules) is being reported by 96% of people; an improvement since the start of the autumn across all demographic groups. Complete compliance is being reported by the majority of people (56% for the week ending 10th January).
- Compliance has been highest when people have been living in the highest tier where rules are strictest, but lowest in Tier 2, where restrictions are looser and may be more open to interpretation (e.g., journeys limited/work from home "where possible" etc), and where the importance and seriousness of following the measures may not be as clear. This pattern is found across all age groups, genders, and income groups.
- Looking at compliance with specific rules, the rules that people report breaking most often is **meeting up with more than the recommended number of people** outdoors (5% saying they never follow this, and 11% saying they never, rarely or only occasionally follow this) and indoors (4% saying they never follow this, and 10% saying they never, rarely or only occasionally follow this). However, the vast majority of people (76% and 77%) report always following these rules. The percentage of people breaking the rule outdoors is similar across age groups. However, older adults are stricter on following the rule indoors.

This may appear counter-intuitive when one considers the media reporting of the pandemic.

The various means of testing public attitudes, including our public portal, continue to reflect support for the approach of Police Scotland to policing the pandemic, albeit with continuing tension between those wanting greater use of enforcement and those demanding less. That tension poses some challenges, with even consistent enforcement likely to produce markedly different responses and impacts on the confidence of those at the opposing ends of the spectrum of views. It seems to us that a consistent approach is far more likely to secure or maintain the

confidence of the majority of the public and that trying to satisfy the demands of either extreme would have the opposite effect. It appears to us that the approach in England has sometimes suffered from this tendency, with messaging there often inconsistent, confused and confusing.

Communications - General

The latest UCL Social Study report stated:

- The increase in compliance has occurred alongside an increase in people self-reporting that they think they understand the rules as stricter rules with fewer caveats have come in. As of the week of the 4th January in England, when there was a new lockdown, 74% reported broadly understanding the rules compared to 65% in the week of 14th December. However, self-reported complete understanding of the rules remains very low (just 27% in the week of 4th January compared with 18% across November and December).

In general, it appears to us that communications in Scotland have remained clear and consistent, from Police Scotland, the Scottish Government, and the First Minister. This appears true of internal as well as external communications from Police Scotland.

Despite this general clarity of communication, there remain concerns around ensuring that vulnerable populations are able to access and process the key messaging,

Consistency of approach has been key, with less emphasis than in England on messaging around increased enforcement and coronavirus clampdowns¹³.

There are obvious problems with demands from government for greater enforcement, as has happened in England over the course of the pandemic¹⁴. It has been emphasised again only this month in what

¹³ <https://www.thesun.co.uk/news/uknews/13704639/govt-considers-tighter-covid-restrictions/>

¹⁴ <https://www.theguardian.com/world/2020/nov/05/police-warn-public-to-expect-tougher-crackdown-on-covid-lockdown-breaches>

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seems to have been called “enforcement week”¹⁵. We have again seen examples in England which hark back to some of the confusion from the Spring lockdown, for example, around what is permitted under regulations but discouraged in guidance – sitting on park benches¹⁶, failing to wear a face covering even on a single occasion¹⁷, having no proof of medical exemption¹⁸, stopping cars¹⁹.

Government demands for greater enforcement create possible tension with the operational independence of the police. They can create unrealistic expectations about the extent of adherence that can be secured by threats of enforcement alone. As a consequence, they can dent public confidence in the police. They have implications, therefore, for the principle of policing by consent, bearing in mind, in particular, that we are talking about public health policing and not public order policing.

Focussing on enforcement and non-compliance also carries risks²⁰. Psychologist (and SAGE Behaviour sub-committee member) Professor Stephen Reicher of St Andrew’s University made this suggestion²¹:

My proposal, for what it’s worth, is that the media should be focusing on the heroic everyday realities of lockdown adherence, rather than chasing the depressing fare of “violation tales”. Imagine how differently we would feel about the pandemic, about others and about ourselves, if instead of stories about lockdown rule-breakers, news outlets featured more tales of people acting in the common good.

Let us tell the stories of the many people who have made huge personal sacrifices to stop the spread of infection for everyone’s good. Let’s do so not only because it better represents the truth, but because it can uplift and inspire us to get through these difficult times. It’s not asking a lot. But it could help to entirely reframe the way we think about and act during this pandemic.

As we have said previously, it is easier and perhaps considered more newsworthy to show people apparently in breach of regulations and

¹⁵ <https://www.theweek.co.uk/lockdown/951640/coronavirus-does-uk-need-enforcement-week-take-lockdown-seriously>

¹⁶ <https://www.thesun.co.uk/news/13673875/cops-park-bench-priti-patel-force-entry/>

¹⁷ <https://www.mirror.co.uk/news/politics/police-fine-brits-first-time-23281344>

¹⁸ <https://www.bbc.co.uk/news/uk-england-birmingham-54862625>

¹⁹ <https://www.dailymail.co.uk/news/article-9072653/Coronavirus-UK-Police-Scotland-rule-setting-road-blocks-enforce-travel-ban.html>

²⁰ <https://www.theguardian.com/commentisfree/2021/jan/15/lockdown-rules-blaming-covidots-compliance>

²¹ <https://www.theguardian.com/commentisfree/2021/jan/15/lockdown-rules-blaming-covidots-compliance>

guidance than it is to show the adherence of the majority. And yet, that sacrifice, effort and adherence by the majority is one of the main stories of the pandemic. Emphasis on breaches, clampdowns and increased penalties rather miss this point and may be counter-productive.

Communications – guidance/regulations

Again, there are contrasts between Scotland and England. These are relevant because some things are approached on a UK-wide basis and it is not always made clear by the UK Government when their statements apply only to England and Wales..

In England and Wales, the Home Secretary has insisted that the “rules” are simple and clear, even when she herself has misunderstood or mis-stated them, or confused guidance with regulations²². She is not the first UK Government Minister to make such errors at the same time as insisting that the public should know what the rules are.

The difference between guidance and law has been a regular issue during the pandemic. It resurfaced recently in England over interpretation of guidance to exercise locally. The Prime Minister was seen cycling at the Queen Elizabeth Olympic Park which is in Stratford, seven miles from Downing Street. More significantly, perhaps, it required travel across different districts or boroughs of London. The Metropolitan Commissioner, while not wishing to be drawn into a specific case, indicated her view that no regulations had been breached²³. While the Commissioner was correct in that assessment, it is harder to argue that it was consistent with the messaging in guidance. Once again, as with the Dominic Cummings eyesight test and his whole Durham trip, Ministers²⁴ were sent out to offer justifications when apology might have been more consistent with overall messaging. Contortions over the word “local”²⁵ are just the sort of sophistry for which lawyers are often criticised and even ridiculed.

²² <https://www.theneweuropean.co.uk/brexit-news/westminster-news/priti-patel-press-conference-6900508>;
<https://uk.style.yahoo.com/priti-patel-coronavirus-rules-wrong-again-144658906.html>

²³ <https://www.reuters.com/article/uk-health-coronavirus-britain-cycling-jo/pm-johnsons-cycling-trip-was-not-illegal-london-police-chief-idUSKBN29H0WV>

²⁴ <https://www.theguardian.com/world/2021/jan/12/stay-local-england-exercise-rule-open-to-interpretation-minister-admits-coronavirus>

²⁵ <https://www.dailymail.co.uk/news/article-9137419/Kit-Malthouse-claims-cycle-70-MILES-home.html>

(In Scotland, the regulations avoid this particular problem by specifying that exercise or recreation takes place outdoors and “(ii) ... starts and ends at the same place, which place must be— (aa) in the local government area in which that person lives, or (bb) within 5 miles of such local government area...”)

Exercise and recreation are important for general health and wellbeing as well as for mental health. That makes it all the more important that there is consistency of approach and messaging to explain restrictions (and what is allowed) and engender public confidence.

The police (Derbyshire) and UK Government responses²⁶ to the other story that broke around the same time as the Prime Minister’s cycle ride were therefore unfortunate. Two friends drove five miles in separate cars to go for a walk at a quiet spot by a reservoir, having stopped to pick up some takeaway peppermint tea. They were intercepted by Derbyshire Police and issued with fixed penalty notices (apparently because the tea made their trip a “picnic”) which were later rescinded, following review, but only after the action had been defended by the Health Secretary, Matt Hancock²⁷.

As with the Cummings story, the UK Government appears to abandon the often blurred distinctions between regulations and guidance when it is convenient for them to do so.

Continuing lack of clarity around the distinction, whether deliberate or not, means that confusion is still possible for the public and police. One benefit of the distinction is that, where difficulties of compliance relate to guidance, there can be support without the threat of enforcement. While the Government reserves the option to back guidance with regulations, it appears to us to be right to continue to trust the public to do the right thing for its own sake. This better also allows Police Scotland to attend to other policing demands.

Impact on children and young people

The unequal treatment of children and young people during the pandemic has been concerning, as they face additional challenges

²⁶ <https://www.theguardian.com/world/2021/jan/11/derbyshire-police-withdraw-two-womens-200-fines-for-lockdown-walk>

²⁷ <https://metro.co.uk/2021/01/10/lockdown-uk-matt-hancock-backs-police-who-fined-women-walking-in-park-13878479/>

ranging from no schooling to a lack of contact with friends and older relatives and little access to peer support.

Children, young people and their families have experienced considerable anxiety, especially with schools having closed again, with no certainty about when and how “live” teaching will be resumed.

There is particular concern about the change in restrictions that treats children aged 12 and over in the same manner as adults for the purposes of gatherings.

In our fourth interim report on 28 September 2020, we offered critical comment on the timing and confusion of communications regarding the return of students for the start of the academic year. After the summer Thankfully, the situation of students appears to have received more attention subsequently, including messaging around the return to studies after the Christmas holidays.

IAG member Maria Galli of the office of the Children and Young People’s Commissioner Scotland continues to work on an updated report on the impacts of policing specifically on the human rights of children, young people and families, as well as some related work, during the second half of the pandemic. It is hoped that this will be available in time for discussion at an IAG meeting in February.

Impact on other Isolated or Excluded Groups

Research conducted between July and December 2020 resonated with us due to some of the evidence we had heard over the last nine months.

The research²⁸, funded by the Chief Scientist Office of Scotland and the Scottish Government, was conducted by a team of researchers from the University of Glasgow led by Professor Sarah Armstrong and Dr Lucy Pickering.

It explored how lockdown impacts on people in Scotland who may already have been isolated or excluded prior to the pandemic.

It had four study areas that focus on experiences of:

1. refugee and asylum processes or facing destitution;

²⁸ <https://scotlandinlockdown.co.uk/project-report/>

2. domestic abuse or sexual violence;
3. disability or long-term health conditions; and,
4. criminal justice control (in prison or community supervised).

The study aimed to help inform Government efforts to prevent further hardship and inequalities. In its conclusions in the report “Left out and Locked Down: Impacts of Covid-19 Lockdown for Marginalised Groups in Scotland”, it stated:

- *For the excluded groups we studied, our research found a defining feature is the twinned experience of precarity and resilience, activism and disempowerment.*
- *We identify implications of lockdown for different timeframes. In the short-term, people are mainly trying to avert the catastrophe that illness, lockdown, or destitution can bring. Many are finding adaptations and holding on thanks to their own efforts and informal and third sector forms of support. The medium-term is marked by uncertainty and limbo.*
- *Over the long-term, we speculate about the emergence of a social form of ‘long covid’, where accumulating consequences of lockdown play out over an extended period. The damage endured now, may be storing up a heavy toll, creating need for adequate support and resources well after the pandemic.*
- *Systems on which people depend often were experienced as constraining and disabling, sometimes actively facilitating a sense of self-blame or responsibility or obstructing independence and autonomy. There are implications for rights and dignity in how people are engaged in systemic processes.*
- *Isolation came up continuously and takes on particular forms of intensity for the groups in this study. Isolation and wider inequalities appeared to be interdependent and should be recognised and incorporated into policy responses.*
- *Money and housing were basic needs and disproportionately inadequate for people in the study, and therefore constitute primary areas of focus for developing a supportive response.*
- *Fundamental weaknesses and erosions of wider systems shaped experiences of the pandemic, and if these are addressed, could further support the coming together of communities, services and people that*

has happened so far, fostering a sense of hope and solidarity in facing crises beyond Covid-19.

As with other evidence we have heard, the report emphasises pre-existing inequalities and priorities for people which are often far removed from how emergency powers are used by Police Scotland.

“Normal” policing - Transitions

It remains to be seen if the latest lockdown will reduce “normal” crime levels and associated policing demands, as happened last Spring.

Normal policing demands continue, but now with policing affected, as in many other areas, by absence through illness or the requirement to isolate.

Police Scotland, the Lord Advocate and the Scottish Government continue to highlight all types of domestic abuse and violence, and encourage reporting of such crimes which are clearly exacerbated by a lockdown.

Local authorities and others have had to play lead roles in “policing” residual or new restrictions, with Police Scotland’s role in enforcement increasingly a backstop. It is to be hoped that this emphasis on other agencies taking responsibility will continue.

Quarantine regulations and self-isolation

On this issue, the latest UCL Social Study stated:

- Only 62% of people are **isolating** for the recommended number of days (10 or more) **when they develop symptoms of Covid-19**. 39% are isolating for much longer (21 days or more), which could be due to experiencing ongoing symptoms of the virus. However, 13% are not isolating at all when they develop symptoms. 80% of people are isolating for the recommended number of days (10 or more) **when they are told they have come into contact with someone with symptoms of Covid-19**. 50% are isolating for much longer (21 days or more). However, 12% are not isolating at all. Younger adults are better at self-isolating for the recommended number of days both if they develop symptoms or are told to self-isolate from contact with others and show a much lower rate of not isolating at all.

This is one of the areas where we suggested that there is a real need for enforcement realism on the part of government and society.

Quarantine is an aspect of the pandemic which is associated with the reserved field of immigration, requiring a joined-up approach initiated by the UK Government.

Our view is that it is a matter that requires to be addressed before travel or, at the latest, on arrival in the UK. Once people have left the airport, there is a limit to what can be done by way of policing response or other enforcement.

It appears that the UK Government may be coming to this realisation and looking at, for example, the use of hotels for quarantine as used elsewhere, for example, Australia and New Zealand.

The requirement to self-isolate is similar to the need to quarantine. It is an area where there appears to be considerable non-adherence. Similar to quarantine requirements, it is an area where support is key, certainly more important and effective than enforcement alone²⁹.

Among other places, this was recognised in the report on 23 December 2020 by the SPI-B group of the UK Government's SAGE group:

Providing support to enable individuals to maintain quarantine or isolation is an important mechanism for promoting adherence to rules.

Face coverings

It is unfortunate that, at earlier points in the pandemic, contradictory statements were made about the efficacy of face coverings, even by leading individuals in the field of public health^{30,31}.

Perhaps as a consequence, albeit with other motivation also apparent, some high-profile individuals have challenged the requirement to wear face coverings.

Despite this, general impressions are of high levels of adherence to this regulation and little additional work for Police Scotland.

²⁹ <https://www.theguardian.com/society/2021/jan/16/low-paid-shun-covid-tests-cost-of-self-isolating-too-high>

³⁰ <https://www.bbc.co.uk/news/av/uk-52153145>

³¹ <https://www.dailymail.co.uk/video/uknews/video-2239200/Video-Dr-Jenny-Harries-Evidence-face-coverings-isnt-strong.html>

The latest UCL Social Study states:

- Less than 1% of people say that they never **wear a face mask** where it is recommended, with 93% reporting that they always do it. Compliance with wearing a face mask is similar across all age groups but slightly higher in women and amongst higher income households.

This month, some shops and supermarkets have announced a stricter policy around admission. There appears to be an increased presence of private security staff which will hopefully obviate the need for the police to be called other than where there is some other behaviour which requires that.

We note that these policies may have the unfortunate and no doubt unintended effect of impacting on those who are unable to wear a face covering for various reasons, not all of which will be apparent. The law requires no proof of exemption although there are reports that this is being demanded in some situations. Care, sensitivity and kindness should inform anyone who is faced with an individual without a mask in circumstances where masks are required.

We cannot pass from mention of face coverings without saying something about the publicity given to a photograph of the First Minister speaking to three people at an appropriate social distance at a wake for a Scottish Government civil servant. The First Minister apologised for this slip in a statement at the Scottish Parliament³².

A Police Scotland spokesperson said:

We're aware of a photograph of the First Minister which appeared in The Sun, on 23 December, in which she was not wearing a face mask at a wake. The First Minister has acknowledged this inadvertent breach, for which she has apologised.

We remind everyone of the requirement to wear face coverings in indoor public places for public health reasons. Police Scotland will not be taking any further action in relation to this matter.

³² <https://www.bbc.co.uk/news/uk-scotland-55419564>

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While some on social media were critical, it was striking that many more seemed supportive of what was recognised as a minor slip and none of the MSPs who spoke on 23 December offered any additional comment.

Despite this, on 23 December the Daily Record quoted a nameless Scottish Conservative spokesman as saying:

The First Minister should know better. By forgetting the rules and failing to set a proper example, she's undermining essential public health messaging. It's a blunder that an ordinary member of the public wouldn't get away with. There cannot be one rule for Nicola Sturgeon and another for everyone else.

The First Minister acknowledged that she should not have been in this situation. Otherwise, this anonymous statement is unfortunate, simply wrong and potentially hypocritical when it comes to a minor slip of which many are guilty through inadvertence, momentarily forgetting to put on a mask. It may be that the other MSPs recognised how easy a slip it is when they refrained from the sort of comment indulged in by this unidentified individual.

In Scotland, over the course of the pandemic, we have had some high-profile examples of breaches of the regulations. It appears to us that the response of Police Scotland to these has been proportionate. The use of a warning (Dr Catherine Calderwood) or a fixed penalty (Boli Bolingoli) help to demonstrate that enforcement will be used when necessary but not as a first resort other than for blatant or repeated breaches.

Some individuals have been charged with other offences when coronavirus breaches have been reported, for example, by use of the common law charge of culpable and reckless comment. This charge has been used on occasion for instances that, if established in court, might be considered more egregious - those who organise large gatherings and, recently, MP Margaret Ferrier.

Taken together, these examples, show the range of options and action that might be taken. For the credibility of the regulations, it is important, as suggested by the unnamed Scottish Conservative spokesman, that everyone is seen to be covered by the rules. Some examples in England, with Dominic Cummings the most obvious, suggest otherwise. The case of the First Minister's momentarily missing mask does not. The First Minister should not be treated any better than anyone else when it comes to the regulations. Neither should she be treated any worse. If

any of us had done what the First Minister did, we would not have been issued with a fixed penalty notice and it was entirely appropriate that none was issued to her. In fact, issuing fixed penalty notices for such minor infringements might be more likely to bring the regulations into disrepute.

Travel Regulations

These restrictions were introduced on 20 November. The Chief Constable made clear that they would not be policed pro-actively by way of roadblocks, checkpoints or random stops. Resources would not permit of any other approach, even if it were to be considered appropriate. Extra patrols, coupled with reduced traffic, should increase visibility of police presence but this is intended more as a deterrent.

We have previously mentioned the roadblocks in Melbourne which proved unpopular and, at times, unworkable, in part due to the amount of traffic legitimately entitled to be on the road (for example, deliveries, key workers, carers, shoppers). While there is some suggestion that such measures would be popular with some members of the public, the resources required and disruption caused to members of the public behaving lawfully would make it disproportionate other than in the most exceptional circumstances.

Even without a pro-active approach, between 20 November 2020 and 10 January 2021, there were 1,161 interventions for travel regulation interventions.

Policing of Protest in a Pandemic

We have continued to discuss the policing of protest and assembly, with public processions specifically covered in the regulations and therefore scope for tension, and therefore a need for balance, with freedom of peaceful assembly and association (article 11, ECHR) as well as freedom of thought, conscience, religion and expression (articles 9 and 10, ECHR).

Our considerations have included discussions at our meeting on 8 January 2021 with Professor David Mead of the University of East Anglia. We discussed his paper "Policing Protest in a Pandemic" which he kindly agreed to share with us.

This has been necessary as, although there are fewer protests than in the summer, the anti-lockdown “movement” has arranged some across the country.

We have discussed the issue with Divisional Commanders and are satisfied that they have a good grasp of the relevant human rights principles. This does not mean that the same outcome will always follow. That depends on a number of factors which represent legitimate considerations in the balancing exercise when looking at qualified rights and freedoms like these.

Aberdeen incident

On 8 January 2021, we were asked to consider an incident involving Police Scotland officers in Aberdeen who used the power of entry to a house. This incident had been highlighted on social media and in the press. We received a briefing from Police Scotland the same day and discussed the matter to the extent that this was possible, having regard to the fact that some individuals had been charged.

We noted that our Terms of Reference do not allow us to consider specific cases in which the police have taken action under the regulations, and that this case will be considered independently in the normal way by other organisations should there be a prosecution or complaint against the police. We discussed, and will continue to consider, the general implications of such examples for policing during the pandemic and will make appropriate recommendations to the Board in due course.

As this incident involved the use of the power of entry it is worth noting that the total number of forced entries is 62, with 5 in the week to 10 January 2021. That power has been available to officers as regards gatherings of 16 or more since 27 August 2020 and was extended to gatherings of 6 or more on 14 September 2020.

The Work of the IAG

Given the nature of current restrictions, the Group has continued to meet weekly. Coupled with regular contact between meetings and the weekly meetings of the OpTICAL group, this continues to allow the sort of dynamic review originally discussed between Police Scotland and the SPA, meaning that the Group is able to provide assistance and guidance on matters as, or shortly after, they arise in still changing circumstances. Much work has also been done in between meetings by way of

telephone calls and email exchanges between Group members, members of the SPA Board and staff, and senior officers at Police Scotland.

We continue to reach out to the community by use of personal contacts and networks, letters, emails and social media. We have continued to make it clear that we want to hear from people with their experience and views on the use of the emergency powers.

We continue to engage with relevant outside experts – see appendix A for details.

When the current emergency powers lapse (currently March 2021, following the introduction of new restrictions, but clearly subject to review and renewal), we aim to produce a final report thereafter, offering some additional views on the positives in this experience as well as lessons to be learned. We will offer a degree of retrospection, but also reflect further on the benefits of the “real-time” review model.

Work Programme

See appendix A for the detail. Notes of our meetings since our letter of 19 November will be put on our page on the SPA website after this report is published.

Public portal

This went live on 1 June 2020. As at 15 January 2021, we had received 97 responses. The portal remains live for the public to share its experience of, and views about, the emergency powers.

Conclusion

In terms of the primary role of the IAG in the Terms of Reference³³, our work, synthesising a number of strands of data and other evidence, continues to confirm that use of powers by Police Scotland in general remains compliant - both in application and spirit – with:

(a) human rights principles and legal obligations, including those set out in the Human Rights Act 1998 and the Scotland Act 1998

³³ <https://www.spa.police.uk/spa-media/5gXHinni/tor-final-27-4-20.pdf>

(b) the values of Police Scotland – integrity, fairness and respect - and its 'safety and wellbeing' remit as laid out in the Police and Fire Reform Act (Scotland) 2012, and

(c) the purpose of the 2020 Act and Regulations, namely safeguarding public health.

FUTURE STEPS FOR THE SPA

Dr Liz Aston has been gathering views from colleagues on the OpTICAL group as to the efficacy of that group. The comments have been uniformly positive.

It may be that the SPA would consider a similar exercise regarding the role and work of the IAG.

It appears to us that Police Scotland and the Scottish Police Authority deserve wider recognition for their foresight in establishing and supporting the additional human rights-based scrutiny offered by this group. It may be that there is scope for academic or other study, even using the IAG as a template for this type of real-time collaborative endeavour involving the police, statutory scrutiny and oversight bodies, statutory human rights bodies, academia and civic society.

A publication offering critical analysis of the work of the IAG and offering guidance on maintaining police legitimacy during a public health crisis might be useful for others in the future.

Work Plan

The updated Independent Advisory Group Work Plan reflects already agreed actions, what is complete or in place, and planned for future delivery. It is intended to stimulate ongoing discussion about the work required to ensure delivery against the terms of reference. This is an iterative programme, reflecting changes in priorities over time, while leaving sufficient flexibility to address matters urgently when this is required.

The agreed areas of focus are:

- i. The data and evidence required to support the work of the IAG as laid out in the terms of reference, and understanding what the data and evidence is telling us. Data and evidence will: be collated and reviewed; inform recommendations on an ongoing basis; and be reflected in public reporting.
- ii. Delivering and promoting access routes into the group via professional and community networks as well as open access via a public portal, to enable the public and impacted groups to share perspectives and give evidence to the IAG on their experiences. Findings are reviewed; inform recommendations on an ongoing basis; and are reflected in public reporting. Particular attention is paid to ensuring any disadvantaged or impacted groups are able to participate.
- iii. Maximising the use of the professional input and expertise from within and outside the group, to access and review supporting evidence, offer advice, and inform associated recommendations.
- iv. Focus on the human rights implications of the use of the temporary powers.
- v. Set up processes which allow the group to access data and public perspectives to offer advice on a “live” basis, to support the policing response to any changes in lock down and public health guidance.

Work Stream	Actions	Status Update	Current Priorities
<p>Communications – raising awareness of the work of the Advisory Group, establishing access routes into the group for public and stakeholders</p>	<p>Email address for public communications</p> <p>Supporting correspondence for partners, public and interested groups</p> <p>Citizen Space portal set up for public feedback</p> <p>Website presence and public updates</p>	<p>COVID19IndependentAdvisoryGroup@spa.pnn.police.uk</p> <p>Circulated by IAG members to contacts and stakeholders.</p> <p>Launched 1 June 2020, the portal remains open in response to changing circumstances, to allow for ongoing public feedback, and as the work of the group continues.</p> <p>Web updates on the work of the group remain aligned to reports to the SPA. The latest meeting notes are made available online following each report to the SPA Board.</p>	<p>January 2021: Members are writing to and re-engaging with community and sectoral partners, to gain feedback on policing of the current more restrictive regulations, and public experience of policing throughout the pandemic. CYPSC will provide further advice on gathering views from children and young people.</p>
<p>Engagement</p>	<p>IAG members routinely reach out across their own networks to facilitate evidence gathering and support participation.</p> <p>Engagement and information</p>	<p>Members continue to promote participation, via professional and community networks.</p> <p>Alternative access channels are available to help combat digital exclusion.</p> <p>IAG Chair has undertaken engagement and liaison with senior office bearers in the Scottish Police Federation and the Association of Scottish Police Superintendents.</p> <p>IAG Chair attended the June 2020 NISAG meeting, and the IAG is building closer links with NISAG, sharing</p>	<p>Ongoing promotion to continue to gather public and stakeholder perspectives. Continuing review of public feedback, and follow up action to address any gaps in participation.</p>

Work Stream	Actions	Status Update	Current Priorities
	<p>sharing with the National Independent Advisory Group (NISAG)</p>	<p>information where appropriate and strengthening the Advisory Group’s access to NISAG members’ expertise on equality, diversity and community well-being impacts.</p> <p>5 August 2020 – Article by IAG Chair for Policing professional community, published in Policing Insight. “Policing the pandemic: How Scotland’s IAG led the way on human rights under emergency coronavirus powers”.</p> <p>2 September 2020 - The work of the IAG, including the contribution of the academic community to the work of the group, features in SIPR Annual Report 2019/20.</p> <p>11 September - an invitation to contribute to IAG was extended to COSLA.</p> <p>COSLA, Scottish Community Safety Network, Scottish Government Police Division and the academic community contributed questions for the IAG/ SPA webinars, 30 July 2020 and 5 October 2020.</p> <p>30 October 2020 - Mike Callaghan COSLA Policy Manager attended and contributed to IAG discussions.</p> <p>6 November 2020 – Cllr Kelly Parry, COSLA Community Well Being Spokesperson, and Mike Callaghan COSLA Policy Manager. The perspective from COSLA members is that there has been a good, robust policing response, and that Police Scotland’s approach has their members’ full support.</p>	<p>The IAG will continue to engage with COSLA on an ongoing basis, to understand ongoing challenges, partnership approaches, and wider local impact of police use of the temporary powers.</p>

Work Stream	Actions	Status Update	Current Priorities
		<p>11 December 2020 - Denis Hamill, Chief Data Officer and Calum Dundas, Interim Data Governance Lead from Police Scotland attended to discuss the Police Scotland Data Strategy.</p>	
<p>Data and Evidence Gathering</p>	<p>Options, key questions and sources of evidence are identified and aligned with terms of reference. Data gaps are noted where they cannot yet be addressed.</p> <p>Engagement with staff and officers in different areas of Scotland to understand staff and officer perspectives.</p>	<p>Professor McVie is leading additional analytical work, aligning Police Scotland data with SCTS information; and developing work on nominal data. This work is ongoing, and is now scheduled for report to the SPA Board February 2021.</p> <p>The IAG considers regular data updates from Police Scotland on use of the temporary powers.</p> <p>Interim data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland prepared by Professor Susan McVie, reported to SPA Board 19th August 2020.</p> <p>An interim report on data for the Independent Advisory Group was prepared by Professor Susan McVie with assistance from Dr Fernando Pantoja and Dr Ana Morales (20 June 20)</p> <p>Her Majesty's Inspectorate of Constabulary in Scotland ("HMICS"): Independent Advisory Group Report on Interviews with Police Scotland Officers and Staff (June 2020)</p>	<p>Work is progressing to present a comprehensive review of data and evidence as part of the report to the SPA Board February 2021.</p> <p>Members are re-engaging with community and sectoral partners to provide ongoing insight and context, to enhance understanding of policing's use of the temporary powers.</p> <p>Members are discussing the possibility of follow up officer and staff interviews, conducted by HMICS.</p>

Work Stream	Actions	Status Update	Current Priorities
<p>Data and Evidence Gathering</p>	<p>OPTICAL group</p> <p>SWAN Scotland survey</p> <p>Police Scotland “Your Police” and User Experience Surveys</p> <p>SPA Public Opinion Survey</p>	<p>John Scott, Martyn Evans, Ephraim Borowski and Susan McVie are members of OptICAL.</p> <p>Evidence and outcomes considered by the IAG, and reported publicly to SPA board 19th August 2020.</p> <p>Members considered evidence from Police Scotland Strategy and Insight on findings from the “Your Police” and User Experience surveys including Covid-19 response and public confidence measures 7th August 2020</p> <p>Members considered evidence from the SPA Public Opinion Survey 31st July 2020, focusing on levels of public confidence in policing, and levels of support for the Police Scotland approach.</p> <p>4 December 2020 – SPA Strategy & Research Lead Martin Smith attended to brief members on the findings of the SPA Public Opinion Survey 3rd Wave. SPA Public Opinion Survey 3rd Wave</p>	
<p>Assessment of Human Rights Impacts</p>	<p>D Quiroz (SHRC) guidance note for the IAG, incorporating relevant human rights provisions, for example, UN Guidance on the use of force by law-enforcement</p>	<p>Scottish Human Rights Commission (“SHRC”) Paper to Independent Advisory Group Considering Police Scotland Use of Temporary Emergency Powers: Human Rights Guide to Examining New Police Powers in Response to COVID-19 (Diego Quiroz, June 2020) SHRC paper on Article 11 of EHCR, considered at the IAG webinar 5 October 2020.</p>	<p>January 2021: The IAG continues to look at the policing of protests in a pandemic with a view to offering further reflections in its final report.</p>

Work Stream	Actions	Status Update	Current Priorities
<p>Assessment of Human Rights Impacts</p>	<p>personnel in time of COVID-19 emergency</p> <p>Maria Galli (CYPCS) guidance note for IAG on human rights implications of regulations for children and young people</p> <p>Review of Police Scotland Impact Assessment processes</p> <p>Independent Children’s Rights Impact Assessment</p>	<p>Children and Young People’s Commissioner Scotland (“CYPCS”) Briefing: The impact of emergency police powers on the human rights of children and young people in Scotland during the Covid-19 pandemic (Maria Galli, June 2020)</p> <p>Police Scotland processes to progress Community Impact Assessments, Equality and Human Rights Impact Assessment, and Child Rights and Wellbeing Impact Assessment were considered by the IAG 6 July 2020, as outlined in the report to the SPA Board 19 August 2020.</p> <p>Members were briefed by CYPCS and considered implications of the Independent Children’s Rights Impact Assessment 24 July 2020</p>	

Work Stream	Actions	Status Update	Current Priorities
<p>Drawing in additional expertise</p>	<p>The IAG invites input from a range of academic experts in the field, to inform the group’s deliberations. These discussions are more fully reflected in the meeting notes available on the IAG website – IAG Public Reports</p>	<p>Contributions from – 1 May 2020: Professor Steve Reicher 4 May 2020: Professor Ben Bradford 15 May 2020: Dr Peter Neyroud 22 May 2020: Dr Megan O’Neill, SIPR and University of Dundee 29 May 2020: Fran Warren and Francesca Gualco, Scottish Government Justice Analytical Services 1 June 2020: Professor Roger Halliday, Chief Statistician, Scottish Government 15 June 2020: Dr Liz Aston, Director of the Scottish Institute for Policing Research (SIPR) 10 July 2020: Cliff Stott, Professor of Social Psychology, Keele University, Policing of Protests and the Pandemic 21 August 2020: Dr. Michael Rosie, Senior Lecturer in Sociology, Programme Co Director Nationalism Studies, University of Edinburgh, Policing of Protests and the Pandemic 2 October 2020: Professor Steve Reicher, Professor of Social Psychology at the University of St Andrews, Policing and the Pandemic. 9 October 2020: Professor Ben Bradford, Professor of Global City Policing at the Department of Security and Crime Science, UCL, Policing and the Pandemic 30 October 2020 – Joe Griffin, Director of Safer Communities, Scottish Government 8 January 2021 – Professor David Mead, University of East Anglia, attended to discuss Policing Protest in a Pandemic. Members discussed the challenges facing policing during this time, in supporting public safety and</p>	

Work Stream	Actions	Status Update	Current Priorities
Drawing in additional expertise		human rights requirements with regard to peaceful protest.	
"Sounding board" for Police Scotland forward planning and communications	Ongoing role for group members, as representatives of civic Scotland, offering personal and professional expertise, and insight from across their professional and community networks.	<p>Group members had early sight of and offered feedback on refreshed guidance for officers, reviewed to take account of changing legislation and easing of lockdown.</p> <p>The group met with Gold Commander, DCC Malcolm Graham, for an overview of Operation Talla and related discussion.</p> <p>1 May IAG meeting – ACC Bernard Higgins (leads Police Scotland strategy and operations on service transition from lock down) attended to support IAG discussions to assist in informing strategy, including Communications.</p>	Ongoing challenges of transition period and understanding the impact of easing and tightening lock down, including local and national restrictions.
"Real time" advice and guidance – to Police Scotland; and to wider stakeholders via professional and community networks		<p>Real time contact with Divisional Commanders was established early in the work of the group, offering a "two-way street" for real time updates to members, and live input to Police Scotland to inform planning and response, and facilitate immediate discussion as required.</p> <p>Regular dialogue has been established between group members and Police Scotland at Executive and Divisional Command level on local policing and public impacts and perspectives, policing local lockdown, and the impact of transition through the Scottish Government's phased approach out of lockdown.</p>	Managing the ongoing challenge of offering advice and support for policing's response in a developing and "live" situation, and when there may be a time-lag in the availability of supporting evidence.

Work Stream	Actions	Status Update	Current Priorities
<p>“Real time” advice and guidance – to Police Scotland; and to wider stakeholders via professional and community networks</p>		<p>Completed – submission of open letter to Police Scotland from SWAN Scotland.</p> <p>Experience of autistic people of COVID-19 legislation and guidelines Survey May-June 2020 (Dr Catriona Stewart, July 2020). Included as an Appendix to the report to the SPA Board 30 September 2020, with related discussion at the IAG webinar 30 July.</p> <p>Glasgow Disability Alliance. Advice on interactions with disabled people (Temporary Police Powers under Coronavirus Act); included as Appendix to the report to the SPA Board 19 August 2020.</p> <p>The work of GDA on the impact of COVID-19 on disabled people featured in IAG Webinar discussions 5 October 2020 GDA Supercharged Covid-19 Report</p> <p>14 August 2020- Chief Superintendent George Macdonald, Divisional Commander of the North East (Aberdeen City, Aberdeenshire and Moray) attended the IAG, following the Aberdeen City local lockdown.</p> <p>11 September 2020- Divisional Commanders, Chief Superintendent Alan Murray, Renfrew and Inverclyde, Chief Superintendent Faroque Hussain, Ayrshire and Chief Superintendent Mark Sutherland, Greater Glasgow attended the IAG to update and discuss with group members the latest issues for local policing teams, and the impact of localised restrictions.</p>	

Work Stream	Actions	Status Update	Current Priorities
<p>“Real time” advice and guidance – to Police Scotland; and to wider stakeholders via professional and community networks</p>	<p>IAG Chair correspondence to SPA Interim Chair on the use of face coverings, and wider application of lessons learnt from policing the pandemic which may have wider application across retail and public services.</p>	<p>18 December 2020 – Police Scotland Divisional Commanders Chief Superintendent Sean Scott, Chief Superintendent Alan Murray and Chief Superintendent Alan Gibson attended to discuss local policing matters and consider the upcoming festive and Hogmanay period.</p> <p>Sent 13th July 2020 Correspondence IAG Chair to SPA Interim Chair 13 July 2020</p>	
<p>Identify any additional work priorities to deliver against TOR</p>		<p>An initial review by the IAG Chair was undertaken, and reflected in forward planning for the IAG and the Chair’s report to the SPA Board 30 June 2020. At the time, areas identified for future focus included Gaps in Powers, and Impact Assessments: Community Impact Assessment, Equality and Human Rights Impact Assessments.</p>	

Work Stream	Actions	Status Update	Current Priorities
<p>Identify any additional work priorities to deliver against TOR</p>		<p>Police Scotland processes to progress Community Impact Assessments, Equality and Human Rights Impact Assessment, and Child Rights and Wellbeing Impact Assessment considered by the IAG 6 July 2020, as outlined in the report to the SPA Board 19 August 2020.</p> <p>Consideration of absence of power of entry for smaller gatherings – power now available.</p> <p>It appears that no new powers are being given in relation to travel restrictions introduced in regulations in November 2020.</p> <p>No further evidence has been identified at this point relating to potential gaps in powers.</p> <p>8 January 2021, the Chief Constable, requested that the Group review circumstances and Police Scotland's approach, further to an instance of forced entry to a household in Aberdeen.</p> <p>Specific cases in which the police have taken action under the regulations will be considered independently in the normal way by other organisations, should there be a prosecution or complaint against the police.</p>	<p>The Group will further consider the general implications for policing during the pandemic and make appropriate recommendations to the SPA Board.</p>
<p>Public reporting on progress</p>	<p>Verbal report to SPA from IAG Chair 30 April.</p>	<p>SPA Board Livestream April 2020</p> <p>IAG report to SPA May 2020</p>	<p>Progressing the work programme, gathering and additional evidence and further analysis,</p>

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Work Stream	Actions	Status Update	Current Priorities
Public reporting on progress	<p>Written report to SPA board 20 May. Oral evidence to SPA from IAG Chair 20 May</p> <p>Oral evidence from the IAG Chair to the Justice Sub-Committee on Policing 9th June 2020.</p> <p>Written report and / or oral evidence to SPA 30 June 2020, 19 August 2020, 30 September, 25 November</p> <p>Webinar - public events with the SPA Board 30 July 2020 and 5 October 2020.</p> <p>Oral evidence from the IAG Chair and Professor McVie to the Justice Sub-Committee on</p>	<p>SPA Board Livestream May 2020</p> <p>Justice Sub Committee on Policing 9 June 2020 business report</p> <p>SPA Board Livestream 30 June 2020 SPA Board meeting 19 August 2020 SPA Board Meeting Livestream 30 Sept 2020 Letter of report, IAG Chair to SPA Interim Chair 18 November 2020 IAG Work plan update 17 11 2020</p> <p>July 30 IAG Webinar IAG October Webinar</p> <p>Justice Sub Committee on Policing 23 November 2020 business report</p>	<p>to deliver against the Terms of Reference. A report on data analysis is scheduled for report to the SPA Board February 2021, and a further substantive IAG report to the SPA March 2021.</p>

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Work Stream	Actions	Status Update	Current Priorities
	Policing, 23 November 2020.		

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