

AUTHORITY MEETING

23 June 2022

Minute of the SPA Authority Meeting held on Thursday, 23 June 2022 via Video-conference

Board Members Present: Martyn Evans (Chair)
Jane Ryder (Vice Chair)
Paul Edie
Tom Halpin
Alasdair Hay
Katharina Kasper
Grant Macrae
Fiona McQueen (Items 4-11)
Michelle Miller
Mary Pitcaithly
Catriona Stewart (Items 5-11)

In attendance: Police Scotland
Chief Constable Sir Iain Livingstone (Items 2.2-10)
Deputy Chief Constable Fiona Taylor
Deputy Chief Constable Will Kerr
Deputy Chief Officer David Page
James Gray, Chief Financial Officer
Tom McMahon, Director of Strategy and Analysis (Item 7)
Jude Helliker, Director of People and Development (Item 11)
Chief Superintendent Mark Hargreaves (Item 6)
Superintendent Helen Harrison (Item 8)

Scottish Police Authority (SPA)

Lynn Brown, Chief Executive
Chris Brown, Deputy Chief Executive, Resources
Barry Sillers, Deputy Chief Executive, Strategy and Performance

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Forensic Services

Fiona Douglas, Director of Forensic Services

SPA Secretariat

Karen Vallance, Governance Support Officer

1. WELCOME AND STANDING ITEMS

The Chair opened the meeting and welcomed all Authority Members and representatives from the Police Scotland senior leadership team. He confirmed Jane Ryder (JRyder) would chair the meeting if he were disconnected from the video-conference.

The Authority **RESOLVED** to:

- **NOTE** apologies from Caroline Stuart;
- **NOTE** Fiona McQueen declared an interest in Item 5;
- **NOTE** no other business;
- **AGREE** that, in accordance with paragraph 20 of the SPA Standing Orders, the Board would consider items 12 to 14 in private for the reasons set out on the agenda.

2. MINUTES AND ACTIONS FROM PREVIOUS MEETING

The Authority **RESOLVED** to:

- **ADOPT** the minute of the 23 May 2022;
- **NOTE** the action log. There were no matters arising.
- **NOTE** no business was approved via correspondence since the last meeting.

3. SPA CHAIR'S REPORT

The Chair congratulated the Chief Constable on his knighthood, noting it was very well deserved for both the personal qualities he brings to public life and also his leadership of Police Scotland.

The Chair noted drug driving would be discussed under Item 10 but highlighted that the Authority, for the first time, had requested an inspection by HMICS which had been agreed. He reinforced that Forensic Services should not wait for the inspection's conclusions but both

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scientists and managers should use all their skills, knowledge and commitment to address and fix the challenges raised.

The Chair noted the spending review presents a real challenge to financial planning, and multi-year revenue and capital plans have been thrown into disarray. No real terms protection, plus inflation levels, will result in hard choices having to be considered. The Chair confirmed the organisation will be evidenced based and measured in its planning, and both SPA and Police Scotland finance teams will work together.

The Board **RESOLVED** to:

- **NOTE** the report.

4. COMMITTEE CHAIRS' REPORT

Members considered the report which provided an update on business progressed since the last Authority meeting through the:

- Legal Committee
- Complaints and Conduct Committee
- People Committee
- Audit, Risk and Assurance Committee
- Policing Performance Committee
- Resources Committee
- Policing of COP26 Oversight Group

Audit, Risk and Assurance Committee Chair, JRyder provided an overview of SPA's undertaking to deliver oversight of change, noting there were three dimensions to change: individual programmes and projects; workforce planning and implementation; and cultural change. Police Scotland have engaged with the Authority on: policing in a digital world; equality, diversity and inclusion; protection and rights of children; violence against women and girls; and addressing protection of other vulnerable groups including those with mental health issues, all of which require significant rethinking and repositioning. The Authority has used existing governance to scrutinise this work, adapting and evolving for specific areas. JRyder suggested the key oversight challenges of the next 2-4 years are addressing the issues of culture change and the oversight of collaborative programmes and projects.

The Board **RESOLVED** to:

- **NOTE** the report

5. CHIEF CONSTABLE'S REPORT

Chief Constable Sir Iain Livingstone (CCLivingstone) provided a detailed introduction to his report, specifically drawing attention to the following areas:

- Serious violence and significant convictions
- Drug seizures and convictions
- 101 and 999 call services
- Policing COP26
- Officer and Staff Honours

In addition to the written report, the following areas were highlighted:

- CCLivingstone paid tribute to Sir William Sutherland, a retired Chief Constable of Lothian and Borders Police and former HM Inspector of Constabulary. Sir William died at the end of May, aged 88.
- CCLivingstone expressed concern about the position in which policing may be placed if the Scottish Government spending review is implemented as outlined. Impacts to the service, including areas such as funding future pay awards and capital investment, were highlighted. CCLivingstone also highlighted the cumulative savings to the public purse since the creation of Police Scotland, with policing costs being £200m less per annum compared to legacy arrangements, due to the service changes, improvements and efficiencies which had been delivered. He concluded that policing in Scotland is now on track to deliver total cumulative savings of over £2 billion by 2026.
- CCLivingstone commented on the work being undertaken in relation to equality, diversity and inclusion; and confirmed the Police Service of Northern Ireland's review of the Employment Tribunal judgment in regard to former Constable Rhona Malone had been published and shared with the Authority.

In discussion the following matters were raised:

- Members sought clarity on the range of times for answering 999 calls and heard during May the range was 0.07 seconds to 5 minutes with an average of 13 seconds. Of 61,000 999 calls, 1.4% took more than 90 seconds.
- Members recognised CCLivingstone's comments on the spending review and noted the success of savings made whilst improving services. With spending restrictions in mind, Members sought assurance that the level of focus on leadership training and

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promotions would continue. CCLivingstone confirmed investment would continue and DCC Fiona Taylor (DCCTaylor) provided an overview of recent promotion processes, particularly in respect of equality, diversity and inclusion.

- Members sought further information on Special Constable recruitment, and heard that working as a Special Constable is now seen as a key route into full service and therefore recruitment campaigns are ongoing, particularly in rural areas.
- The Chair noted the Authority rely on professional policing advice on capability, and are committed to helping provide evidence for capacity gains.

The Authority **RESOLVED** to:

- **NOTE** the report.

6. POLICING OF COP26

Members considered the final report which provided an update in relation to the Police Scotland operation to support COP26. DCC Will Kerr (DCKKerr) introduced a short video which detailed key areas of the policing operation.

Members also considered the finance update report which provided an update on the policing cost associated with COP26. James Gray highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- LBrown, as Accountable Officer, noted it was a significant effort to keep in budget with active management by all partners.
- The Chair praised the outcome of full cost recovery and the partnership working which contributed to it.
- Members sought information on the number of complaints received and heard there were 20 complaints received during the event, and a small number of arrests.
- Chair of the SPA Policing of COP26 Oversight Group, Tom Halpin, highlighted that existing governance structures were fully utilised in the scrutiny, particularly in areas such as finance and wellbeing.
- Thanks was given to both the finance and procurement teams for work undertaken.
- Members asked how Police Scotland's expertise is being more widely sought and heard there was significant interest in running

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big events from a rights based perspective and the wider statutory vision of safety and wellbeing.

- Members questioned if, on reflection, events which led to the use of containment would be dealt with differently. DCC Kerr confirmed containment is a recognised technique worldwide and after each use there was a significant debrief to identify lessons learned. DCC Kerr confirmed he was satisfied they were appropriately carried out and on the basis of public safety.
- CCLivingstone added that the low level of complaints, arrests and no injuries along with the oversight, scrutiny and review were all factors which contributed to the success of the policing operation. CCLivingstone thanked the Operation Commanders and their teams for the work provided, noting learning will continue to be gathered and shared.

The Authority **RESOLVED** to:

- **NOTE** both report

7. CHIEF CONSTABLE YEAR END PERFORMANCE ASSESSMENT

Members considered the report which presented the Chief Constable's Assessment of Policing Performance for 2021/22. CCLivingstone highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members agreed it was an extremely well presented report which tells a positive story whilst also highlighting challenges.
- Regarding the 'Don't be that guy' campaign, Members questioned whether there would be any follow up and heard the success of it had exceeded expectations. Members were informed combating misogyny and violence against women and girls would be a major drive in future campaigns.
- Members sought further information on how information from public surveys is used to understand public confidence in policing. Members were informed data analysis was maturing to help drive action and work was progressing to understand views of different sub-groups such as children and young people. A Public Confidence Board has also been established to ensure this data is being used and the Authority has representation on that Board. Improved

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partnership working has also allowed shared data which helps in understanding shared demand.

- Members sought further comment on maintaining partnership working given collective challenges, and heard it is part of modern policing with younger officers viewing it as part of day to day business. Work on estates; training; serious crime; and equality, diversity and inclusion all have partnerships at core. CCLivingstone cited the Scottish Crime Campus as a good example of strong partnership working.
- Members questioned how the impact of the report will be measured and heard it would be included within the Annual Report and Accounts, and some graphics from the report would be included in social media activity.
- Members sought comment on learning from work with asylum seekers who are not used to Scotland's style of policing and heard the same learning applied to refugees and victims of human trafficking. DCC Kerr stated Police Scotland have a significant role in making sure vulnerable people understand how the country is policed and ensuring they have the tools and knowledge of how the police can help them. Police Scotland are also working with third sector groups who also identify victims.
- Members sought assurance that mitigation work was effective in terms loss of enforcement tools post Brexit. CCLivingstone advised that Police Scotland have worked hard to mitigate against the loss of some measures and some replacements within Europe were suboptimal. As a national service, Police Scotland have been central to the UK approach in building international cooperation and DCC Kerr leads that work. Officers are still embedded within The Hague and Interpol.
- The Chair sought comment on partnership working with civic society partners and heard structures are in place to share data and experiences whilst looking at shared demand and collective responses.

The Authority **RESOLVED** to:

- **NOTE** the report

8. POLICE SCOTLAND'S INTERNATIONAL STRATEGY

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Members considered the report which presented the outline of the future strategic opportunities and approach for the Police Scotland International Academy over the next few years. Superintendent Helen Harrison gave a presentation which highlighted scrutiny; capacity and capability building; collaboration; and opportunities for strategic growth.

In discussion the following matters were raised:

- Members sought comment on how impact and success are measured, and heard expected outcomes and how those will be measured will be documented before each piece of work is commenced. Evaluation will be undertaken on completion and reported in a transparent manner.
- Members were informed that the International Unit work with the Quality Assurance Unit, to provide academic accreditation.
- Members sought further information on the type of civil society partners engaged with and heard, in respect of Columbia work, Police Scotland work with different human rights groups.
- Members sought clarity on Police Scotland's engagement with the organisers of this year's World Cup and heard engagement would be with FIFA.

The Authority **RESOLVED** to:

- **NOTE** the report

9. SPA CHIEF EXECUTIVE'S REPORT

Members considered the report which detailed activities involving SPA corporate staff since the previous Authority Meeting and sought approval to adopt a new code of conduct. Lynn Brown highlighted a number of key points as detailed in the paper.

The Authority **RESOLVED** to:

- **NOTE** the report

10. DRUG DRIVING UPDATE

Members considered the report which provided an update on the impact of sustained demand for drug driving testing and analysis and capacity pressures. Fiona Douglas (FDouglas) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members sought comment on the decision making process for outsourcing and asked whether outsourcing could have been used earlier to reduce the impact of capacity pressures. Members heard there were a number of factors that influence outsourcing including available funding and private sector capacity, also used by England and Wales forces. This places restrictions on case complexity and on both total and monthly numbers. Members were informed cases cannot be outsourced once started so a decision is required at the first stage of the process.
- Members sought assurance that the new Forensic Services Operating Model took into account the capacity and demand issue of drug driving cases in relation to current demand and the additional requirements that would arise from a future return post COVID to the previous 6 month statutory limit. FDouglas stated the new operating model accounted for the current level of demand in relation to drug driving toxicology analysis through a capacity growth of 9 posts. However, Police Scotland have an ambition to increase road side testing which will further increase demand. The options paper being considered by Scottish Government includes this long term ambition and resultant demand issue however this would not be a level of capacity within the current new operating model endorsed by the Authority.
- Members welcomed the agreement from HMICS to do a review.
- Members were informed that by August 2022, Forensic Services should have recovered to the point where Police Scotland and Crown Office will not need to take extraordinary measures to ensure the statutory time limit is not breached. Additional work will be undertaken to ensure that cases reported late but still within timeframes can be progressed, and the caseload will be further reduced through the financial year by utilising outsourcing.
- Members received an overview of the analysis process and sought clarity on the difference in complexity with drink driving cases. FDouglas replied that drink driving samples take a third of the time as only alcohol is sought whereas a number of different drugs are tested for in drug driving cases and this can depend on the results of the initial tests. Members heard the end to end scientific process time is around 5 days in the most straight forward case. The current

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issue is with the samples sitting in a backlog prior to analysis commencing.

- Members sought further information on restrictions in outsourcing and heard commercial providers have invested in developing additional capacity for drug driving samples therefore there were no more restrictions in terms of submissions from Police Forces in England and Wales so demand for these services will grow. Work is ongoing with commercial providers to establish a new contract and understand future requirements but there is a risk to this outsourcing capacity being accessible going forward. Members heard that various capacity and demand scenarios across internal and outsourced capacity have been developed to shape options for the future.
- Members sought assurance of how new demand is being managed and heard priority within drug driving is given to cases with fatalities and repeat offenders. All toxicology cases are carefully managed to ensure samples are processed as effectively as possible, spiking cases are started as soon as they are received.
- Members noted some cases incoming to Forensic Services are already aged to some degree and questioned how Forensic Services work with partners to manage this. FDouglas noted the analysis of the 386 cases had already highlighted areas of improvement within the end to end process for cases which have exceeded the statutory limit. The Improvement Group will look to examine how overall timescales can be reduced by understanding the issues behind the delays.
- Forensic Services Committee Chair, Paul Edie, confirmed the Committee will be scrutinising the issue more intensely and have submitted a number of questions to the Director.
- Members sought comment on whether more cases may reach their statutory time limit and heard it was a risk but Forensic Services, Police Scotland and the Crown Office are taking extraordinary measures to ensure the risk is minimised. Members were informed there was no estimated number of cases that may breach the statutory timeframe as the decision as to whether the case has exceeded time depends on what happens after Forensic Services report the case.
- Members were informed that current instrument capacity of two extraction plus three panel analysers and a further specialist

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analyser was not the rate determining step, it was more the capacity of staff to analyse and report the results and the sequential further analysis from the instruments. Members heard shift working, test prioritisation and instrument reliability were all being explored.

- Members were advised the statutory time limit is from incident to the start of criminal proceedings therefore involves three organisations. Each partner agrees individual timescales however these are not documented and would be considered as part of the improvement group. FDouglas confirmed the time required by Crown Office to progress cases is two months so if the statutory time limit returned to six months, it is assumed that Police Scotland and Forensic Service would need to progress all work within four months.
- The Chair noted there was no clarity provided on the number of cases that may exceed the statutory time limit which may emerge over the next two months and sought assurance that every possible scientific and management effort is made to not have further cases that are unable to proceed to prosecution. FDouglas confirmed she could not give an accurate number of cases at risk. FDouglas confirmed the focus of the organisation was to ensure that no further cases will not proceed to prosecution and that Police Scotland and the Crown Office have been taking extraordinary measures to ensure it doesn't happen, to manage risk within the whole justice system.
- The Chair noted the Authority viewed this as a serious failure and welcomed the apology from FDouglas. The Chair requested urgent analysis of the 386 time barred cases.
- In closing, the Chair highlighted that the prevalence of drug driving was wider than anticipated and as such HMICS have been asked to look beyond policing to identify social interventions that can be made. The Chair requested FDouglas contribute to that work.

The Authority **RESOLVED** to:

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

Urgent analysis of the 386 time barred cases to be undertaken.

20220623-SPABM-001

11.1 WORKFORCE EQUALITY, DIVERSITY AND EQUALITY IN POLICING ANNUAL REPORT

Members considered the report which provided an update on the work being carried out by Police Scotland to mainstream equality, diversity and inclusion. DCCTaylor highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members noted the effort to engage with underrepresented groups, but questioned the frequency with which the engagement is repeated to ascertain whether developed activity is appropriate and making the desired difference. DCCTaylor responded that there were Chief Officer leads for all diversity associations, with engagement on a regular basis. Plans were in progress to invite 200+ people from minority ethnic groups to offer additional feedback. Diversity Oversight Leads also sit on the Oversight Group (part of the Equality, Diversity and Equality action plan work) which allows a wider contribution to tracking progress.
- Mary Pitcaithly, outgoing People Committee Chair, commented that the Committee welcomed the level of activity underway in areas such as recruitment and data collation. DCCTaylor was asked to comment on how Police Scotland are collating evidence with regard to issues relating to potential misogyny within the organisation. DCCTaylor commented that the ability to collect and derive data had improved and the organisation had a better understanding of the demographic. Evidence based pieces of work have been commissioned in areas such as female officer retention. An aspect of the Your Voice Matters Survey was based on standards of behaviour and incivility and this will be part of an additional survey to help understand if measures in place are having desired outcomes. Professional Standards, Police Scotland legal, SPA legal and People and Development meet monthly to look at themes on grievances and employment tribunals, and share learning.
- Members heard the Equality, Diversity and Equality Strategy should define what good looks like, with the strategy set against four outcomes which have clear commitments, action plans, milestones and deadlines.
- Members sought further information on retention of female officers and heard a piece of work had been undertaken which showed a

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high level of women left with musculoskeletal issues, which may be the result of personal protective equipment. Also highlighted was that women tend to leave after the birth of their second child. Work was being undertaken to further develop flexible work plans and engagement during maternity leave.

- Members heard detail on how improvements to career development processes, management interventions and reasonable adjustments could all help reduce leavers.
- Members sought assurance there was a commitment and plan for intervention training for peers in more cases where people leave for reasons such as misogyny and racism. DCCTaylor responded that robust work by ACC Alan Speirs around standards of professional behaviour was underway, complemented by professional boundary work led by the Complaints and Conduct Committee. Early intervention is key theme of the People and Programme Management Board and line managers have been provided with additional support.
- The Chair commented that the Authority was assured on the commitment from Police Scotland and that the processes were proportionate. The Authority, in future, would be looking for a clear route map to track progress.

The Authority **RESOLVED** to:

- **NOTE** the report

11.2 WELLBEING ANNUAL REPORT

Members considered the report which provided an oversight of Police Scotland/ SPA health and wellbeing activity. Jude Helliker (JHelliker) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Mary Pitcaithly, outgoing People Committee Chair, noted the paper had been scrutinised in detail at the Committee which had received assurance of the commitment to ongoing work. The Committee sought commitment to further root cause analysis, and preventative and early intervention work.
- Members heard an increasing trend from grievances was that line managers have to respond to mental health issues therefore a range of work was ongoing to increase and improve training.

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The Authority **RESOLVED** to:

- **NOTE** the report

11.3 POLICE WORKFORCE ANNUAL REPORT

Members considered the report which provided an update on Police Scotland workforce as at the end of the Financial Year, 2021/22. JHelliker highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Mary Pitcaithly, outgoing People Committee Chair, noted the Committee recognised the amount of work done and was scrutinising whether particular actions give required results, and how to demonstrate the ways data is used to develop insight which can inform future actions. JHelliker was asked how Police Scotland are developing outcomes and measures which will support the Authority's ability to measure progress in these areas. JHelliker responded that work to develop data is improving but more progress was required on what insights are drawn from the data. As such, work was being undertaken with Director Tom McMahon's teams to identify issues. The People Strategy will document what success will look like and the steps to be taken to get there.
- With regards to Officer recruitment, Members sought detail on the attrition level of special constables compared to those who have not served as special officers.
- Members questioned what a reasonable level of absence is and heard 5-5.5% is average but this has been higher over the last couple years. Rather than looking at absence figures, work was being done to identify themes for intermittent and long term absences. It was recognised that the backlog of NHS treatments would impact absence rates so work was being done to identify how physiotherapy and mental health treatments provided by policing can be improved.
- Members questioned whether there was an acceptable level of re-rostered rest days (RRRD) and heard, due to the nature of the job, it would be unrealistic to aim for a level of 0. However, work was being undertaken to determine where key concerns and hotspots are, and differences in ranks. There is a duty for federated ranks to take RRRD within a certain time and the organisation should endeavour to reach that target.

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- The Chair noted the Authority welcomed the dashboard as it helped improve assurance. The Chair noted the dashboard highlighted that 1 in 5 officers on modified duties are past review date and asked the People Committee to discuss this issue further.

The Authority **RESOLVED** to:

- **NOTE** the report
- **AGREE** the below actions:

Jude Helliker to provide detail on the attrition level of special constables compared to those who have not served as special officers.

20220623-SPABM-002

People Committee to discuss issue of 1 in 5 modified duties review date being late.

20220623-SPABM-003

End

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