

Meeting 30 April 2021 13:00

Members attending:

John Scott QC, Solicitor Advocate (Chair)

Bruce Adamson, Children and Young People's Commissioner Scotland

Ephraim Borowski, Chair of the National Independent Strategic Advisory Group

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

Chief Superintendent Linda Jones, Police Scotland

Dr Elizabeth Kelly, Associate Carnegie UK Trust

Naomi McAuliffe, Programme Director Scotland, Amnesty International

Professor Susan McVie, University of Edinburgh

Brian Scott, Glasgow Disability Alliance

Apologies:

Aamer Anwar, Solicitor and Human Rights campaigner

Tressa Burke, CEO Glasgow Disability Alliance

Maria Galli, Children and Young People's Commissioner Scotland

Deputy Chief Constable Will Kerr, Police Scotland

John Logue, Deputy Crown Agent Operational Support, COPFS

Barry Sillers, Deputy Chief Executive, Strategy and Performance, SPA

Diego Quiroz, Scottish Human Rights Commission

Secretariat:

Jennifer Blackwood, SPA

Deborah Christie, SPA

1. Welcome and introductions

The Chair welcomed attendees and welcomed guest speaker Ellie Hourigan. Apologies were noted as above.

2. Note of the previous meeting and matters arising

The group noted the minute of the meeting held on the 23rd April 2021.

3. Discussion on Covid and Human Rights impacts - Eleanor Hourigan, Counsel for UK Parliament Joint Committee on Human Rights.

The group were provided with an overview of the key areas of work of the UK Parliament Joint Committee on Human Rights to which Ellie Hourigan had contributed in recent months as Counsel. It was explained that the work of the Joint Committee focused on events in England and Wales but learning and shared experiences from other Home Nations had, on occasion, also been considered. The following Joint Committee on Human Rights reports were shared and a high level summary provided;

The Government's response to COVID-19: human rights implications, A Chair's Briefing Paper: The Health protection (Coronavirus restrictions) (England) Regulations 2020 & the Lockdown Restrictions, The Government response to covid-19: fixed penalty notices and The Government response to covid-19: freedom of assembly and the right to protest.

The group heard that insufficient data in respect of FPNs had been a challenge when working to understand why some circumstances had arisen and whether there had been any discriminatory issues present. It was explained in discussion that FPN data had been less of an issue in Scotland due to the robust data sources available throughout the pandemic.

The Group explored areas that had seen similar findings and also examples where experiences north and south of the border had been different and discussed the anecdotal evidence that socio-economic elements had impacted, for example, on how young people had been impacted during the pandemic. The discussion highlighted issues resulting from confusion around what the rules have been in terms of legal definition of a child in Scotland. It was also suggested that there had been a contribution to some mental health issues for young people who had been trying to adhere to rules but without sufficient clarity on what those rules were.

It was noted that a Joint Committee Report was due to be published w/c 03 May and this would focus on care homes. With reference to the COPFS instruction that Police Scotland gather information about deaths in care homes, a question was asked why this only focused on care homes and no other Covid deaths as it was believed that lessons could be learned across all areas and not just in care homes. CS Linda Jones confirmed she would be able to provide a future update on the rationale for this being the case.

Action: Linda Jones to liaise with John Logue and provide update on why Police Scotland investigation will only look at deaths in care homes.

Ellie Hourigan confirmed that she was not aware of any formal links between the Joint Committee and the Equality and Human Rights Committee in the Scottish parliament and she would welcome suggestions on how links can be established to allow future discussions.

The Chair thanked Ellie Hourigan for taking the time to attend the meeting and thanked her for her valuable contribution and Ellie thanked the group for allowing her to take part as she had found it very interesting.

4. Easing of restrictions - issues arising, including travel

John Scott provided a brief summary of the weekly OpTICAL data report noting that the number of interventions was down but the number of FPNs was up and this included travel regulations which had not been expected given the change in restrictions. The group heard that this would continue to be monitored. No forced entries were recorded.

CS Linda Jones explained that the drop in overall interventions accompanied by an increase in FPNs was due to a smaller number of incidents which involved a larger number of individuals e.g. groups of people gathering in the same place. The group heard that every division had its own local plans in place to respond to whatever demand arose over the coming week and this would be reported to the group next week.

The group noted the updates.

5. Data Update: Update on data analysis, OpTICAL Update and Citizen Space

Susan McVie provided a summary of all the areas she was working on and advised she was soon to be working on the England and Wales FPN data analysis and would be able to report to the group in due course.

It was confirmed that there had been no activity via the Citizen Space platform.

6. AOCB

The group welcomed an update that both Dr Sarah Charman and Adam Wagner would attend a future meeting of the group to discuss their work.

Date of next meeting

Friday 07 May 2021 – 13:00 – 15:00