



Authority Meeting

23 February 2023

Minutes of the Authority Meeting held on Thursday 24 November 2022 at COSLA, Edinburgh

Board Members present:	Martyn Evans (Chair) Jane Ryder (Vice Chair) Paul Edie Tom Halpin Alasdair Hay Katharina Kasper Grant Macrae Michelle Miller Mary Pitcaithly Catriona Stewart Caroline Stuart
Board Member apologies:	Fiona McQueen
In attendance:	<u>Police Scotland</u> Chief Constable Sir Iain Livingstone Deputy Chief Constable Fiona Taylor Deputy Chief Constable Malcolm Graham Deputy Chief Officer David Page Assistant Chief Constable Bex Smith (Item 10) James Gray, Chief Financial Officer (Item 11) <u>Scottish Police Authority (SPA)</u> Lynn Brown, Chief Executive Chris Brown, Deputy Chief Executive <u>Forensic Services</u> Fiona Douglas, Director

	<p><u>PIRC</u> Michelle MacLeod, Commissioner (Item 6) Phil Chapman, Director of Operations (Item 6)</p> <p><u>Biometrics Commission</u> Brian Plastow, Commissioner (Item 7)</p> <p><u>SPA Secretariat</u> Karen Vallance, Governance Support Officer</p>
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1. WELCOME AND STANDING ITEMS

The Chair opened the meeting and welcomed all Authority Members and representatives from Police Scotland’s senior leadership team.

The Authority **RESOLVED** to:

- **NOTE** apologies from Fiona McQueen;
- **NOTE** no declarations of interest or connections;
- **NOTE** no other business;
- **AGREE** that, in accordance with paragraph 20 of the SPA Standing Orders, the Board would consider items 12 to 13 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 29 September 2022;
- **NOTE** the action log. There were no matters arising.
- **NOTE** no decisions were taken via correspondence since the last meeting.

3. SPA CHAIR’S REPORT

The Chair referred to his report, highlighting the recent Children in Custody Round Table event. The Chair thanked Authority Member Michelle Miller for co-hosting the event.

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
- Forensic Services Committee
- Audit, Risk and Assurance Committee
- Resources Committee
- Policing Performance Committee

In discussion the following matters were raised:

- Forensic Services Committee Chair Paul Edie suggested the Forensic Toxicology Oversight Group be stood down following its next meeting. The Chair agreed approval would be sought via correspondence.
- Members discussed the cost of living impact on performance and heard the level of petty theft is potentially driven by the cost of living. Chief Constable Sir Iain Livingstone (CCLivingstone) committed to reporting further to the Policing Performance Committee.
- Members heard the sustained rise in reporting of serious sexual crime was believed to be down to confidence in reporting, and were assured detection rates would be kept under review.
- The Chair emphasised all public committee papers are published online with public discussions livestreamed.

The Board **RESOLVED** to:

- **NOTE** the report

5. CHIEF CONSTABLE'S REPORT

CCLivingstone provided a detailed introduction to his report, specifically drawing attention to the following areas:

- Significant investigations and convictions
- Homicide statistics
- Violence Against Women and Girls
- Scottish Multi-Agency Strategic Threat Assessment
- Parliamentary evidence
- Adverse weather and Operation Moonbeam
- Your Safety Matters

In addition to the written report, CCLivingstone highlighted the following:

- Evidence hearings in the Public Inquiry into the death of Sheku Bayoh have recommenced and DCC Fiona Taylor (DCCTaylor) has represented Police Scotland. CCLivingstone confirmed he was fully supportive of the work of the Inquiry and had met with the family of Sheku Bayoh and the officers involved. CCLivingstone reiterated the criticality of respecting the authority of Lord Bracadale and allowing the Inquiry to establish the facts and carry out its work.
- The Strategic Command Course, UK policing's senior leadership training programme, opened at Tulliallan on Monday 21 November.
- Long service awards have also recently been held, attended by Vice Chair Jane Ryder, and over 80 officers and staff have been successful in promotion across all ranks.

In discussion the following matters were raised:

- The Chair emphasised that the Authority condemned all assaults on officers and staff.
- The Chair noted the First Minister spoke at a recent event in Tulliallan where she commented that policing is a shining example of public service reform in Scotland. The Chair stated the disruption caused and the resulting benefits of policing reform should not be underestimated. The Chair emphasised that Police Scotland and the Authority should work together to ensure the best evidence case for the best possible budget outcome.
- The Chair stated murder detection is one of the most critical measures of an effective police service, and that there is only one undetected murder since the creation of Police Scotland is strong evidence supporting confidence in policing.
- Referencing the incidents during Operation Moonbeam, Members sought further information on place based initiatives. It was noted that the number of offences relating to fireworks was down on previous years but the level of violence experienced and use of public order responses on November 5th was up. Members heard that place based initiatives go to the heart of local policing models and involve preventative and protective work. DCC Malcolm Graham (DCCGraham) provided examples of some of the initiatives

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throughout Scotland, noting partnership working is key and is another example of how potential budget cuts will impact services.

- Members sought more information regarding the environmental threat from criminal activity, and heard that since the Scottish Crime Campus opened, a number of partners have worked collaboratively to target environmental crime. Currently there are relatively low penalties but due to the potential for lucrative returns for criminal activity, Police Scotland are renewing and improving their approach.
- Members acknowledged that significant investment was required to meet cyber-crime demands.
- Members sought detail on timescales for the Core Operational Solutions Programme and questioned how impact will be measured. DCCTaylor responded that the programme is taking time to complete to ensure data migration processes are correct, but it was expected to be complete by the end of 2023. The impact will be measured by seeking comment through Your Voice Matters staff surveys. Benefits of the programme include improved ability to look at threat, risk and harm to ensure the correct policing response.
- Members sought comment on interaction between police and children and young people, and heard prevention and protection is key with a requirement for policing to be in the virtual space. CCLivingstone stated the interest of the child is the starting point to any relationship or interaction. DCCGraham highlighted that the Chief Constable had been clear that police custody is not a suitable place for children and young people. He added that the recent Round Table event on children in police custody was an exemplar of the Authority and Police Scotland working together to discuss sometimes opposing views to find solutions. DCCGraham confirmed that if a network of alternatives to custody for safe places is not identified then there is a danger that young people's interactions with police will be a negative. Whilst policing is not necessarily the cause, interactions with police can be a contributing factor for children and young people who are already traumatised, and Police Scotland is taking a trauma informed approach in dealing with children and young people.
- Both Members and CCLivingstone welcomed the recent Multi Agency Strategic Threat Assessment, noting the Manchester Arena Bombing

Inquiry recommendations highlighted the necessity of multi-agency training wider than emergency services.

- Members questioned how the cost of living crisis and industrial action is affecting resource deployment. CCLivingstone responded that pay pressures will return in the next financial year depending on budget but a unique factor of the organisation is that officers cannot withdraw labour. Police Scotland are currently working with partners to build contingencies and wider resilience planning is beginning to develop.
- Members questioned when the benefits and impact of the Blue Light Collaboration project will be seen. CCLivingstone commented that it was a specific opportunity for policing and the fire service to improve public safety, however it required a mandate from Scottish Government to drive this forward. Deputy Chief Officer David Page added that there are ten different work streams looking to set targets for savings and work so far is encouraging.
- Members noted that prioritisation will need to happen in light of the financial challenge and questioned how Police Scotland will engage with wider public sector services to highlight implications. CCLivingstone confirmed the Annual Police Plan details Police Scotland priorities which are agreed in consultation with partners. The unintentional in-action of other services which then requires a response from Police Scotland, is a key point of discussion with partners.

The Authority **RESOLVED** to:

- **NOTE** the report.

6. PIRC ANNUAL REPORT

The Chair welcomed Commissioner Michelle Macleod (MMacleod) and Director of Operations Phil Chapman to the meeting. MMacleod provided a summary of the main areas within the PIRC Annual Report.

In discussion the following matters were raised:

- Members commended the clear layout and accessible structure of the Annual Report, agreeing it was a good model.
- The Chair noted the reference to the mental health agenda, especially the consistent theme of the opportunity cost to police. The Chair highlighted the joint round table due to take place on 9th

December and advised he had recently spoken to HMICS on his plans to undertake a review on policing and mental health.

- Members were informed that Body Worn Video would provide both qualitative and quantitative help in assisting investigations in a faster and more focussed manner. Crown referrals involving deaths deal with vulnerable people and having some video evidence to show the circumstances of police interaction would assist greatly. The ability to establish best evidence quickly was also important when events are covered in the media. The roll out to all Firearms Officers has meant there is a number of angles of dynamic incidents and removes the issue of subjectivity. Members heard PIRC would support Body Worn Video for all police officers.
- Members sought further information relating to learning and trends and heard PIRC have consistent engagement with police and other bodies in respect of recommendations. Updates are also requested in respect to implementation. Members also heard PIRC endeavour to increase transparency and analysis of trends and data.
- DCCTaylor stated Police Scotland have a professional and constructive relationship with the PIRC. DCCTaylor commended the engagement on significant operational activity, specifically the roll out of naloxone as it was reassuring for officers to hear PIRC's perspective. DCCTaylor added that organisational learning is fundamental to the work of the Professional Standards Department, who have implemented a new methodology for handling complaints to better understand themes and trends.
- Members sought clarity on the requirement of PIRC contact when there is harm or death after police contact, and heard there is a statutory responsibility for PIRC involvement. Police Scotland make referrals quickly and will hand over to the PIRC to determine what type of investigation is required. Members heard it was an area that is increasing and the common underlying issue is the inaccessibility of mental health partners. The Chair noted that was consistent with previous messaging.

The Authority **RESOLVED** to:

- **NOTE** the report.

7. BIOMETRICS COMMISSION – CODE OF PRACTICE

The Chair welcomed Commissioner Doctor Brian Plastow (BPlastow) to the meeting. BPlastow highlighted a number of key points as detailed within the paper presented.

In discussion the following matters were raised:

- DCC Graham confirmed Police Scotland supported the creation of the biometrics commissioner role and have been working collaboratively to reach the current position. DCCGraham welcomed the clarity and direction that the Code of Practice brings and thanked BPlastow for engagement thus far. DCC Graham confirmed Police Scotland are working towards full compliance and are confident it will be met.
- Fiona Douglas (FDouglas) confirmed Forensic Services welcomed the Code of Practice, noting that Forensic Services have been working with the Commissioner and Police Scotland to look at compliance. FDouglas summarised Forensic Services role in biometrics work and how they are working towards gaining compliance.
- The Chair welcomed the update, confirming the Biometrics Commissioner adds to the Authority's third level of assurance.
- Members sought comment on any challenges to contributing to UK policing systems. BPlastow commented that only DNA and fingerprints qualify as biometrics under legislation in England and Wales, and decisions taken at UK level on images are not in line with Scottish law which causes challenge. DCCGraham confirmed that any Scottish data used more widely in the UK that is not compliant with Scottish law will be investigated. BPlastow added that he does not have a seat at National Police Chief Council forums so he is unsighted on any related proposals and is unable to support and promote biometrics. Notwithstanding, BPlastow confirmed he is confident these issues can be addressed.
- Members were informed that Police Scotland do not have any form of live facial recognition in place but current ways of working have previously been stated publically. Members heard that any movement to facial recognition technology would be through the correct legislative processes and be done in an open and transparent manner.
- The Chair stated that the complexity of UK arrangement is worthy of further discussion between the Commissioner, the Authority, Police Scotland and Forensic Services.

- Members heard that it is too early to measure compliance from Police Scotland and Forensic Services but were assured there was no concern.
- Members received assurance that the Commissioner was confident on the management of DNA databases, and commended the routine use of DNA24.
- BPlastow informed Members it was his opinion that with the right safeguards, facial recognition technologies could be valuable in a range of scenarios. CCLivingstone confirmed Police Scotland continually look to maximise the opportunities around biometric and forensic data.

The Authority **RESOLVED** to:

- **NOTE** the report.

8. SPA CHIEF EXECUTIVE'S REPORT

Members considered the report which detailed activities involving SPA corporate staff since the previous Authority Meeting. Lynn Brown (LBrown) highlighted a number of key points as detailed in the paper, confirming the Annual Report and Accounts are discussed in private as they are audited by Audit Scotland and not made public until laid in parliament, as per the Finance and Accountability (Scotland) Act.

The Authority **RESOLVED** to:

- **NOTE** the report

9. FORENSIC SERVICES DIRECTOR'S REPORT

Members considered the report which updated Members on recent key activities across Forensic Services. FDouglas highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Regarding Project Weaver, Members were informed that the consultation process had concluded and contracts will transfer to the Authority on 1 December 2022. There were no issues anticipated. Members were assured that there was no backlog within the University and an outsourcing contract was in place to support transition.
- Members questioned when Scottish Government would respond to the Long-term Sustainable Model for Toxicology that was submitted

in April 2022, and heard that the Scottish Government has requested the Business Case is updated with newer information. Updates will be provided to Scottish Government before the end of 2022.

- The Chair commended progress, with zero late toxicology reporting over the last two months, and confirmed that the HMICS report on the end to end process will be reported to the Forensic Services Committee, once published.

The Authority **RESOLVED** to:

- **NOTE** the report.

10. POLICE SCOTLAND PUBLIC PROTECTION DEVELOPMENT PROGRAMME

Members considered the report which provided a progress update on the Public Protection Development Programme. DCCGraham informed Members the model created in 2013 had served well but demands and expectations have changed significantly. Programme development is a strategic approach with short, medium and long objectives and is based around partnership with a focus on prevention. ACC Bex Smith (ACCSmith) added that the paper was an opportunity to provide early sight of the work being done as early engagement was deemed important. Demand within public protection mainly covers sexual offences plus a lot of offences in the online space. Violence against women and girls is a large part of public protection work in terms of reactive policing and prevention work, therefore is a current focus. The aspiration for the programme is to be a long term sustainable solution that is demand focused, partnership led and fully collaborative. Investment is required to achieve the programme therefore progress is dependent on budget.

In discussion the following matters were raised:

- Members welcomed the long term approach as the programme appeared more about transformation than evolution. Members were reassured to see work has started to look at demand and resilience, with a focus on prevention and collaboration.
- Members noted that the report provided useful data on demand but focus was on violence against women and girls. As such, Members agreed it would have been useful to have had more information on local and national work undertaken and an indication of successes and any gaps. Members requested future reporting include detail on

lead officer, key stakeholders and aims and objectives for each service area plus timescales and work plans to achieve those timescales. ACCSmith responded that the programme was not at the stage to provide that information but committed to reporting back to the Authority at a later date.

- Members were informed Police Scotland would work with partners to establish hidden demand and would report on how growing demand can be dealt with if there are financial cuts in real terms. Prioritising resource will affect all change programme work including public protection and therefore the pace of work will be driven by those decisions.
- CCLivingstone noted that previous legitimate criticism was that Police Scotland have not reported at an early stage, even when in an immature state. The paper presented is a relatively high overview paper which is deliberate, based on progress thus far. Once developed further, CCLivingstone confirmed it would be reported through the relevant Committees.
- CCLivingstone confirmed he had written to all Local Authorities to advise Police Scotland would no longer be inputting information into VISOR as it was the responsibility of other agencies, although Police Scotland had previously assumed the burden. Although it was the right thing to do at the time, it has meant policing resource has focused on areas it is not responsible for.
- The Chair confirmed the Authority welcomed the early sight of the paper and agreed it had been brought at the right time. The Chair requested future reporting include evidence that it is world leading, confirmation that the issue of data sharing is being addressed, and detail on how specialist and local work on the programme is being prioritised. The Chair recognised these area will be addressed further once the next budget is known.

The Authority **RESOLVED** to:

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

Future report to include more information on local and national work undertaken and an indication of successes and gaps; detail on lead officer, key stakeholders and aims and objectives for each service area plus timescales and work plans to achieve those timescales.

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11. FINANCIAL PERFORMANCE QUARTERLY REPORT

Members considered the report which provided an update on the financial position of the SPA and Police Scotland for Quarter 2 of the financial year 2022/23. James Gray (JGray) highlighted a number of key points as detailed in the paper

In discussion the following matters were raised:

- Members heard the 5% pay award was offered from the Authority on assurance from Scottish Government that it would be funded. LBrown advised correspondence had been received which confirmed the Scottish Government will underwrite the full cost of the offer within future budgets so it is embedded within the flat cash figure. LBrown added she appreciated the work Scottish Government undertook to get the additional funding.
- Members were informed of the importance for future models to balance pay and non-pay budgets. Previous imbalances has affected functionality so a wider discussion was required on capacity and capability. The Chair and CCLivingstone have already highlighted this area during discussion with Scottish Government.
- Regarding estate spend, Members were assured that an apparent underspend was a timing issue due to the change of supplier for facilities, and would be rectified.
- Members heard that the whole capital budget spent would not be enough to do basic maintenance and it was not sustainable to upkeep the number of buildings with the funding provided.
- Members raised concern on delays with the Accountable Officer Template impacting use of Reform Funding and related programmes, and heard Police Scotland have daily contact with Scottish Government to push for a resolution. JGray agreed more detailed analysis will be collated and provided to the Resources Committee.

The Authority **RESOLVED** to:

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

More detailed analysis of impact of Accountable Officer Template delays to be provided to the Resources Committee.

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End