



## **HM Inspectorate of Constabulary in Scotland**

Improving Policing across Scotland

**Written submission from Her Majesty's Inspectorate of Constabulary in Scotland to the Scottish Parliament's Justice Sub-Committee on Policing**

### **Evidence session on policing during the coronavirus pandemic, 27 August 2020**

Thank you for the opportunity to provide evidence in advance of the above session of the Justice Sub-Committee on Policing.

HMICS previously provided written evidence on 2 June 2020, in advance of the Justice Sub-Committee evidence session held on 9 June 2020.

I understand the session on 27 August 2020 will take evidence from a representative of Police Scotland, and is likely to cover:

- The effect of emergency legislative changes to police powers on those in Scotland
- The current and anticipated challenges for the police service
- How any changes to practice, policy and culture are being incorporated permanently into policing
- The challenges of policing during the coronavirus pandemic and applying the new police powers
- The challenges of policing during an easing of restrictions in Scotland

#### **The effect of emergency legislative changes to police powers on those in Scotland**

HMICS continues to play an active part in the work of the Independent Advisory Group (IAG) set up in April 2020 to review Police Scotland's use of the new temporary powers. The IAG has met twice weekly since 17 April 2020, reducing to once a week from the week commencing 13 July 2020. Police Scotland has been represented at every meeting of the IAG, often by more than one officer, usually at chief officer level. This is a significant commitment, and demonstrates the importance Police Scotland attaches to the work of the IAG.

The Scottish Police Authority (SPA) provides the secretariat to the IAG, which has been excellent throughout. The SPA website has a section devoted to the work of

the IAG, which is comprehensive and easily accessible. A member of the SPA Board has attended all of the IAG meetings.

In addition, Police Scotland established a group to support the IAG with information (Operation Talla Information, Assurance and Liaison Group), which has met on a weekly basis since 20 April. This group is chaired by a Police Scotland chief officer, and attended by various police officers and staff, as well as key members of the IAG. The Information, Assurance and Liaison Group provides a “one stop shop” for all internal and external requests for information. To support this, Police Scotland has introduced a Coronavirus Intervention (CVI) system to collate information in relation to the pandemic. Again, this is evidence of strong commitment on the part of Police Scotland.

The IAG has reported to the SPA Board on three occasions so far. A verbal update on 30 April 2020 (just after the IAG was established), then written reports on 20 May and 30 June, copies of all public reports and meeting notes are available on the SPA’s website. This level of transparency is impressive.

Data analysis contained in these reports shows that between 27 March and 17 June 2020, Police Scotland recorded 53,112 interventions. The vast majority (over 92%) relate to dispersal either after being informed of health risks or being instructed to disperse. Only 6% of police interventions result in a Fixed Penalty Notice being issued. Arrests were made in 0.5% of police interventions.

Given the extent of information contained in the IAG update to the SPA Board on 30 June, Authority members requested a stand-alone session to enable them to consider the extensive work being undertaken by the Group in more detail. The webinar took place virtually on 30 July 2020 and was streamed live for interested parties to follow the discussion.

The next IAG report will be to the SPA Board meeting on 19 August 2020.

### **The challenges of policing during the coronavirus pandemic and applying the new police powers**

Since my previous evidence, submitted on 2 June 2020, HMICS has carried out interviews with police officers and staff in order to glean their perspective on using the new temporary powers.

The findings were reported to the SPA Board as part of the IAG report on 30 June 2020 and can be found on the SPA website as well as that of HMICS.<sup>1</sup>

Police officers and staff found the vast majority of the public to be willing to comply with the restrictions imposed as part of the public health response to the pandemic, and generally supportive of the police. The overall view was that Police Scotland responded well in terms of guidance and instruction to officers and staff, given the pace with which the legislation was enacted.

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<sup>1</sup> <https://www.hmics.scot/news/independent-advisory-group-report-interviews-police-scotland-officers-and-staff>

The United Kingdom (UK) four stage approach: Engage; Explain; Encourage, and Enforce (known as the four Es), was well understood. The emphasis was clearly on the first three interventions, with enforcement being the last resort. This approach was felt to be in keeping with Police Scotland's values, and usual policing tone and style.

The clarity of message was identified as important, and officers and staff did raise concerns that as the restrictions alter, this will become more difficult to achieve.

In addition to the work of the IAG, with its eclectic membership representing a diverse range of communities and interests, various surveys have been carried out to gauge the opinion of the public.

Police Scotland has amended its "Your Police" survey to incorporate questions about attitudes to the policing of coronavirus. It has also continued with its User Experience surveys, which aim to measure feedback from members of the public who have contacted Police Scotland. The SPA has commissioned public opinion surveys from an external provider. The results have been compared with YouGov surveys of public attitudes across the UK. There is consistency across these surveys in terms of levels of public support. Those respondents who fully support the policing approach were 47% (Police Scotland's "Your Police" survey), 42% (the SPA commissioned survey), and 42% (YouGov).

**In order to maximise the benefits of surveys of confidence levels and support for the police, and to make best use of public money, there should be good communication between the SPA and Police Scotland about future plans in this area.**

### **How any changes to practice, policy and culture are being incorporated permanently into policing**

HMICS has continued to receive regular updates from Police Scotland throughout this period. In July 2020, Police Scotland introduced the Operation Talla Strategic Oversight Board, as a temporary layer of governance. One of the priorities of the Oversight Board is to capture the learning from responding to the pandemic and to identify any good practice. I am aware that Police Scotland has established an Organisational Learning Group for this purpose.

One of the areas that has been most affected by the restrictions imposed by the pandemic is criminal justice. HMICS is currently working with HM Inspectorate of Prosecutions on a joint inspection of emergency criminal justice provisions. The terms of reference were published on 31 July 2020.<sup>2</sup>

The inspection will focus on four key provisions:

- Electronic signatures and the transmission of documents

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<sup>2</sup> <https://www.hmics.scot/publications/joint-inspection-emergency-criminal-justice-provisions-terms-reference>

- The remote, electronic appearance of parties at court – for all types of hearings, including virtual custody courts and virtual trials
- The ability to take a case beginning with an appearance from custody in any sheriff court
- The Lord Advocate's Guidelines on liberation by the police during Covid-19.

Another area of policing that has seen significant change due to the coronavirus, is the way in which Police Scotland manages requests for assistance made by the public. The national roll out of the Contact Assessment Model was accelerated in order to manage the deployment of resources. HMICS plans to review the working practices that have been introduced, and to assess the effectiveness and efficiency of these measures.

At an early stage in the response to the pandemic, Police Scotland recognised that the “stay at home” instruction would increase risks of harm and abuse that take place behind closed doors and online, and encouraged the public to come forward and raise concerns about domestic abuse. In April, a campaign was launched aimed at those who groom and abuse children online. HMICS will be following up the recommendations made in its review of Police Scotland's response to online child sexual abuse.

These areas are included in our Scrutiny Plan for the remainder of 2020-21, which was published on 3 August 2020.<sup>3</sup>

The 2020-21 scrutiny plan takes account of the impact of the response to COVID-19 in terms of priorities and timescales. We are also working with colleagues at the Care Inspectorate on plans to recommence joint inspections of services for children and young people, and adult support and protection partnerships.

HMICS has developed internal guidance for staff detailing our approach to working safely during coronavirus, which incorporates all relevant Health and Safety Executive and Scottish Government Public Health information including the recently published occupational risk assessment tool.

I continue to liaise regularly with my counterparts at HMICFRS (England and Wales), the Criminal Justice Inspectorate for Northern Ireland, and the Garda Inspectorate for the Republic of Ireland, and we are sharing information about safe ways of working, including a risk assessment checklist for inspection fieldwork activities.

There is evidence of real commitment from Police Scotland to support the work of the IAG. The IAG reports to the SPA Board on a regular basis. The level of the Board's interest in the work of the IAG can be seen from the request for a separate session dedicated to a discussion of its findings to date, which took place on 30 July 2020.

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<sup>3</sup> <https://www.hmics.scot/publications/hmics-annual-scrutiny-plan-2020-21>

There is an obvious appetite on the part of Police Scotland and the SPA to capture the learning from changes that have been made as result of the pandemic, which could lead to sustainable improvements in service delivery.

In conclusion, I continue to be satisfied that there is an appropriate level of scrutiny being applied to the use of the temporarily increased powers provided to the police.

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17 August 2020