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<b>Report To:</b>	<b>Local Police and Fire Scrutiny Committee</b>	<b>Date:</b>	<b>17 September 2020</b>
<b>Report By:</b>	<b>Corporate Director Education, Communities &amp; Organisational Development</b>	<b>Report No:</b>	<b>P&amp;F/06/20/HS</b>
<b>Contact Officer:</b>	<b>Hugh Scott- Service Manager Community Learning Development, Community Safety &amp; Resilience and Sport</b>	<b>Contact No:</b>	<b>01475 715459</b>
<b>Subject:</b>	<b>Local Police and Fire Scrutiny Committee Update Report (September 2020)</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to update the Local Police and Fire Scrutiny Committee on current and emerging issues relating to Police and Fire and Rescue Services.
- 1.2 The report also outlines reports submitted to the Inverclyde Council Education and Communities Committee, a response to a consultation response to the Independent Policing and a consultation request pertaining to Police use of Temporary Powers relating to the Coronavirus crisis.

## 2.0 SUMMARY

- 2.1 The report provides an opportunity for the Committee to be made aware of national initiatives, reviews and consultations and, where appropriate, to inform Members' consideration of future agenda items relating to Police and Fire and Rescue matters.
- 2.2 This report is intended to draw these elements together with a view to informing and shaping future meeting agendas as appropriate and raising awareness of emerging issues.

This report provides updates for the following:

- The Scottish Police Authority and Scottish Police Authority Board;
  - Her Majesty's Inspectorate of Constabulary in Scotland;
  - The Scottish Fire and Rescue Service Board
  - Her Majesty's Fire Service Inspectorate in Scotland
  - Scottish Government
  - Inverclyde Council Education and Communities Committee
- 2.3 The Policy and Resources Committee at its meeting on 24 March 2020 authorised the suspension of all meetings of the Council, its Committees and Sub-Committees and the delegation of full powers in the Covid-19 emergency to the Council's existing Policy & Resources Executive Sub-Committee. This report therefore considers updates from the organisations set out at 2.2 from 25 March 2020.

### **3.0 RECOMMENDATIONS**

- 3.1 That the Committee notes the current and emerging national issues relating to Police and Fire and Rescue matters.
- 3.2 That the Committee considers submitting a response to the Independent Advisory Group on Police use of Temporary Powers relating to the Coronavirus Crisis outlined in Section 4.5.
- 3.3 That the Committee approves the response to the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing outlined at Section 6.

**Ruth Binks**

**Corporate Director Education, Communities & Organisational Development**

## 4.0 SCOTTISH POLICE AUTHORITY (SPA)

- 4.1 **SPA Board Meeting:** The August meeting of the SPA was held by video conference on [19 August 2020](#), business items included 'Workforce Diversity, Inclusion and Equality in Policing, Police Scotland Transformational Change and Public Confidence in Policing'. The agenda and associated papers for this meeting can be viewed using the above link.

The SPA also held board meetings on [20 May 2020](#) and [30 April 2020](#) with the associated papers accessed via the highlighted links.

- 4.2 **Strategic Police Plan:** The Police and Fire Reform (Scotland) Act 2012 requires the SPA to develop a Strategic Police Plan. The plan is required to be reviewed when the Scottish Government's Strategic Police Priorities have been significantly revised. The Scottish Government published a revised set of Strategic Police Priorities in December 2019 with six priorities identified which are reflected in a revised Strategic Police Plan which the SPA jointly developed with Police Scotland.

Following a public consultation process, held between 20 January and 2 March, a Strategic Police Plan was approved by the SPA Board in March 2020 and subsequently approved by Scottish Ministers and laid in the Scottish Parliament on 9 April 2020. The document [Joint Strategy for Policing 2020](#) has now been published.

Members will note there was submitted a report 'Joint Strategy for Policing (2020): Policing for a Safe, Protected and Resilient Scotland' seeking approval of the consultation response on behalf of the Inverclyde Local Police and Fire Scrutiny Committee at the Committee meeting on 25 March 2020.

- 4.3 **Oversight of policing COVID-19:** As the statutory governance body for policing in Scotland, the SPA has set out its strategic approach to the oversight for policing COVID-19 in Scotland. The SPA's strategic outcomes for the Authority's oversight are to:

- maintain and support the police service and its workforce to respond effectively to these unprecedented circumstances, utilising its statutory responsibilities, networks and advocacy with Government and other partners to ensure that the service now and in the future is well-placed to address both immediate challenges and future recovery, and;
- ensure that proportionate and visible scrutiny of policing and forensic services takes place so that key issues of public interest are raised and addressed, while reflecting and balancing oversight requirements with the demands on operational leadership and service response.

A [briefing document](#), [timeline of planned governance](#) and information section relating to this work can be found via <https://www.spa.police.uk/strategy-performance/oversight-of-policing-covid-19/>

- 4.4 **Independent Advisory Group: Coronavirus powers:** On 9 April 2020, it was announced that an Independent Advisor Group (IAG) would be set up to review Police Scotland's use of new temporary police powers to tackle coronavirus.

The Group is Chaired by John Scott QC and will report directly to the Scottish Police Authority, as the governance and oversight body for Police Scotland. Urgent actions identified as part of the Group's considerations will be discharged as necessary.

Further information regarding the IAG can be accessed via the dedicated page on the [SPA Website](#) although members are directed to the documents [Introduction to the work of the group](#) and [Terms of Reference for the IAG](#) for more relevant information.

- 4.5 **Calls for Evidence: COVID-19 Police powers review:** The SPA have contacted the Council in its capacity as a scrutiny body to consider a response to a consultation in respect of the COVID-19 Police powers.

Although the consultation is open for all to reply the SPA are especially keen to hear how people's experience of the police may have been shaped by their protected characteristics under the Equality Act 2010 (which covers: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and by any underlying vulnerability, disadvantage or hidden disability that may have made people more susceptible to police contact.

Whilst the consultation is aimed at individual members of the public, members of the committee may wish to consider an appropriate response on behalf of the Local Police & Fire Scrutiny Committee. The submission date is Wednesday 30 September 2020 and a final submission for approval will be submitted at the following Committee meeting.

## 5.0 HER MAJESTY'S INSPECTORATE OF CONSTABULARY IN SCOTLAND (HMICS)

- 5.1 **HMICS Scrutiny Plan 2020-21-** Due to the ongoing pandemic HMICS have produced a revised [Annual Scrutiny Plan 2020-21](#). The Scrutiny Plan for 2020-21 sets out how HMICS will meet its statutory obligation to inquire into the state, efficiency and effectiveness of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA). It is published in terms of Section 75 of the Police and Fire Reform (Scotland) Act 2012 and sets out our inspection priorities for the period April 2020 to March 2021.

Members should note in the document there is a planned review of the Contact Assessment Model (CAM). The plan notes; In 2019 Police Scotland implemented its CAM, a new means of managing requests for police assistance made by the public and other agencies. In October 2019 HMICS undertook a focused inspection to assess the early impact of CAM across pilot areas. As part of the response to COVID-19, Police Scotland accelerated the national roll out of CAM in order to manage its deployment of resources. This review will focus on the working practices that have been introduced during this time, and include an assessment.

## 6.0 INDEPENDENT REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING

- 6.1 Councillor McVey, in his capacity as Convenor of the Local Police and Fire Scrutiny Committee was contacted by the secretariat to the Independent Policing Review inviting the Council to submit views and evidence on the police complaints handling system in Scotland. Dame Elish Angiolini's Independent Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing is scheduled to publish its final report in autumn 2020. The letter is appended for members information (Appendix 1).

The [preliminary report](#) was published on 21 June 2019 and in addition to making 30 recommendations the preliminary report also invited further views on her recommendations, on options for change and on a number of specific issues including: the role of local scrutiny committees in relation to police complaints; the role of independent custody visiting in relation to police complaints; strengthening learning culture across organisations dealing with complaints; and the case for structural change across the system.

A response to the consultation was submitted on behalf of the Committee (Appendix 2) to the Independent Policing Review in advance of the deadline of 10 July 2020.

## 7.0 SCOTTISH GOVERNMENT

- 7.1 A publication [Role of the Scottish Police Authority, the Chair and members: independent review](#) was published by the Scottish Government on 7 August 2020 on behalf of the Cabinet Secretary for Justice to provide, provide light-touch external advice on the SPA chair and member time commitment. The aim was to address a recommendation in the

HMICS Thematic Inspection of the Scottish Police Authority (SPA) which was published in September 2019. The HMICS report said "The Scottish Government and the Scottish Police Authority should undertake an immediate review of the roles of the Chair and Board members in executive work, in line with the principles of good governance empowering the Scottish Police Authority Executive team to assume operational management of the organisation."

The publication considers the oversight and governance system of policing in Scotland, the role of the Accountable Officer, support for the Board of the SPA, co-operation and joint planning between the SPA and HMICS, greater clarity in strategic reports and annual reports, accountability to elected representatives and the governance arrangements for the SPA Board.

## **8.0 SCOTTISH FIRE & RESCUE SERVICE BOARD**

8.1 The SFRS Board have met on three occasions since March 2020 with papers available for the meetings on [26 March 2020](#), [30 April 2020](#) and [25 June 2020](#).

## **9.0 HER MAJESTY'S FIRE SERVICE INSPECTORATE IN SCOTLAND (HMFSI)**

9.1 HMFSI have reviewed the 2020/21 programme of Thematic Inspections and Local Areas Inspections of the SFRS to reflect the ongoing pandemic. A [Coronavirus \(COVID-19\): Revised Forward Inspection Programme 2020 to 2021](#) has been published. Members should note a planned Thematic Inspection of firefighting in high rise buildings to be published during 2021-22.

## **10.0 INVERCLYDE COUNCIL EDUCATION AND COMMUNITIES COMMITTEE**

10.1 There was submitted a report to the Inverclyde Council Education and Communities Committee by the Corporate Director for Education and Communities (10 March 2020) in respect of the Inverclyde Antisocial Behaviour Strategy 2020-25. The publication of this Strategy is a legal requirement of the Antisocial Behaviour etc. (Scotland) Act 2004 that Inverclyde Council and Police Scotland must jointly prepare an antisocial behaviour strategy for the authority area. The report to the Committee sought approval for the publication of the Strategy.

10.2 There was submitted a report to the Inverclyde Council Education and Communities Committee by the Corporate Director for Education and Communities (10 March 2020) regarding an update on the work of the Inverclyde Community Safety Partnership. The report outlines the intention of the Community Safety Partnership to present a Strategic Assessment for endorsement to the Inverclyde Alliance Board at its meeting on Monday 5 October 2020. An update will be provided to the following Local Police and Fire Scrutiny Committee.

## **11.0 IMPLICATIONS**

### **11.1 Finance**

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

11.2 **Legal**

N/A

11.3 **Human Resources**

N/A

11.4 **Equalities**

Equalities

(a) Has an Equality Impact Assessment been carried out?

<input type="checkbox"/>	YES
<input checked="" type="checkbox"/>	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

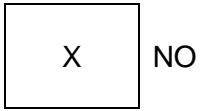
Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

<input type="checkbox"/>	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
<input checked="" type="checkbox"/>	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

<input type="checkbox"/>	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
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### 11.5 **Repopulation**

This structure is intended to protect and assist the local communities.

### 12.0 **CONSULTATIONS**

12.1 N/A

### 13.0 **BACKGROUND PAPERS**

13.1 Joint Strategy for Policing (2020) Policing for a safe, protected and resilient Scotland  
Local Police and Fire Scrutiny Committee 26 March 2020 (P&F/04/20/HS)

13.2 Inverclyde Antisocial Behaviour Strategy 2020-2025  
Inverclyde Council Education and Communities Committee 10 March 2020  
(EDUCOM/21/20/HS)

The Rt Hon Dame Elish Angiolini DBE QC

T: 0131 244 7055

E: [secretariat@independentpolicingreview.scot](mailto:secretariat@independentpolicingreview.scot)

## Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing

To Police Conveners

27 May 2020

Dear Convener

### **INDEPENDENT REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING**

#### **EVIDENCE ON POLICE COMPLAINTS**

The purpose of this letter is to seek your views and invite evidence on the police complaints handling system as it operates in Scotland.

Dame Elish Angiolini's Independent Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing is scheduled to publish its final report in autumn 2020. The Review's Terms of Reference from the Cabinet Secretary for Justice and the Lord Advocate are annexed to this letter.

Dame Elish's preliminary report, which was published on 21 June 2019, can be found here: <https://www.gov.scot/publications/preliminary-report-independent-review-complaints-handling-investigations-misconduct-issues-relation-policing/>

In addition to making some 30 recommendations, the preliminary report also invited further views on her recommendations, on options for change and on a number of specific issues including: the role of local scrutiny committees in relation to police complaints; the role of independent custody visiting in relation to police complaints; strengthening learning culture across organisations dealing with complaints; and the case for structural change across the system.

As you know, Section 45 of the Police and Fire Reform (Scotland) Act 2012 requires local police commanders to provide the local authority with "statistical information on complaints made about the Police Service in, or the policing of, its area".



Dame Elish would welcome any views and evidence that your Committee may wish to provide on:

- how the local scrutiny committee operates in your local authority;
- the quality of the statistical information provided to members by the local divisional commander;
- the effectiveness of the arrangements in place for scrutinising Police Scotland's complaint handling, identifying trends and responding to local issues; and
- any changes and improvements that could be made.

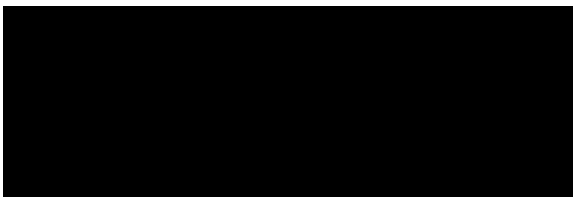
If you wish to submit any evidence on these matters, or any other relevant matter, please respond to this letter, by Friday 10 July 2020 if possible, by e-mail to [secretariat@independentpolicingreview.scot](mailto:secretariat@independentpolicingreview.scot) You may wish to send a copy of your reply to COSLA.

You can also respond by post to the address below, but the current constraints on social interaction and travel mean that an e-mailed response is our preferred option.

Secretary to the Independent Policing Review  
Room 1W.01  
St. Andrew's House  
Regent Road  
EDINBURGH  
EH1 3DG

If you or your supporting officers have any queries about this letter, please feel free to call me on 0131 244 1839 or 07825 011509.

Yours sincerely



**IAN D KERNOHAN**  
Review Secretary

## REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING

### Terms of Reference

The purpose of the Review is to:

- consider the current law and practice in relation to complaints handling, investigations and misconduct issues, as set out in relevant primary and secondary legislation;
- assess and report on the effectiveness of the current law and practice; and
- make recommendations to the Cabinet Secretary for Justice and the Lord Advocate for improvements to ensure the system is fair, transparent, accountable and proportionate, in order to strengthen public confidence in policing in Scotland.

Whilst the Review will encompass the investigation of criminal allegations against the police, it will not address the separate role of the Lord Advocate in investigating criminal complaints against the police or the role of HMICS in scrutinising the state, effectiveness and efficiency of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA). The consideration of specific complaints and investigations will not form part of the review beyond informing an overall assessment of the efficacy of current systems and processes.

The Review will consist of two phases:

- The **first phase** will include a consideration of current procedures and guidance to identify areas for immediate improvement;
- The **second phase** will include a wider assessment of the frameworks and practice in relation to complaints handling, investigations and misconduct issues, covering the Police Investigations and Review Commissioner, the SPA and Police Scotland. Recommendations in the final report should take into account human rights considerations, as well as seeking to identify longer-term improvements.

**Councillor Tommy McVey**  
**Ward 7 – Inverclyde South**  
Municipal Buildings  
Greenock  
PA15 1LX

Mr Ian D Kernohan  
Secretary to the Independent Policing Review

Direct Line: 01475 712917  
Email: tommy.mcvey@inverclyde.gov.uk  
Our Ref: TMC/  
Your Ref:  
Date 8 July 2020

Dear Ian

### **INDEPENDENT REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING**

I refer to your letter dated 27<sup>th</sup> May 2020 regarding the above and have provided responses to your questions below on behalf of the Inverclyde Council Local Police & Fire Scrutiny Committee.

#### **How the local scrutiny committee operates in your local authority.**

Within Inverclyde, scrutiny arrangements for police and fire and rescue functions are delivered under the Local Policy and Fire Scrutiny Committee. At the meeting of the Inverclyde Council on the 7 June 2018 the Council were asked to approve changes to the Standing Orders and Scheme of Administration including changes to Local Police and Fire Scrutiny Committee. With respect to policing, broadly, the following powers are delegated to the Committee:

- To consider and recommend improvements in local policing;
- To recommend priorities and objectives for the policing of the local area;
- To agree the local policing plan;
- To scrutinise and review the outcomes, priorities and objectives set out in the local policing plan;
- To provide comments in relation to consultation on Police services and policing matters;
- To consider Council reports on matters which affect local Police.

#### **The quality of the statistical information provided to members by the local divisional commander.**

In general members of the Committee are satisfied in respect of the statistical information provided by the local divisional commander. At all committee meetings there is the opportunity to discuss the presented statistics and any particular trends with the local divisional and area commanders. Where additional information has been requested this has been provided either at the meeting, directly to the elected member following the meeting or at a subsequent meeting. In addition to this Police Scotland have presented spotlight reports to Committee on two occasions given greater insight into a particular issue relevant for Inverclyde where elected members have raised concerns. An example of this was a spotlight report on violence in Inverclyde presented to committee in April 2019 ([Police Scotland- Spotlight on Violence in Inverclyde \(2018-19\)](#)).

[Cont'd]

The presentation of the statistical information outlines the key theme (i.e. Violence and Antisocial Behaviour) and quantitative information such as the number of recorded crimes, its level within the reporting period, its level within the 5 year average, its rate per head of the population and the detection rate of the recorded crime. The presentation also includes relevant information to that theme and any other relevant information in regards to policing in Inverclyde.

Where there has been an issue out with the direct control of the local divisional commander, i.e. roads policing, the implementation of the Contact Assessment Model (CAM) relevant officers have been invited to attend a local scrutiny meeting in order that members better understand the situation and any concerns raised by the committee can be done so at an appropriate level.

### **The effectiveness of the arrangements in place for scrutinising Police Scotland's complaint handling, identifying trends and responding to local issues.**

The presentation of the statistical information outlines the key theme (i.e. Violence and Antisocial Behaviour) and quantitative information such as the number of recorded crimes, its level within the reporting period, its level within the 5 year average, its rate per head of the population and the detection rate of the recorded crime. The presentation also includes relevant information to that theme and any other relevant information in regards to policing in Inverclyde.

Where there has been an issue out with the direct control of the local divisional commander, i.e. roads policing, the implementation of the Contact Assessment Model (CAM) relevant officers have been invited to attend a local scrutiny meeting in order that members better understand the situation and any concerns raised by the committee can be done so at an appropriate level.

In regards to responding to local issues, the Committee are satisfied that the relationship with Police Scotland as a community planning and community safety partner is such that locally Police Scotland does respond to local needs. The Committee has however noted in a response to Her Majesty's Inspectorate for Constabulary in Scotland regarding scrutiny arrangements for the period 2020/21 that there is concern when an issue contained within the local Police plan is delivered by a national department and the role that local scrutiny committees can play in respect of this.

In respect of the arrangements in place for scrutinising Police Scotland's complaint handling it is important to consider the way in which statistical information has been presented to the Inverclyde Local Police & Fire Scrutiny Committee (and the predecessor Local Police and Fire Scrutiny Sub-Committee). From inception as a Committee until its meeting on 7 June 2018, Police Scotland presented a report to "inform Inverclyde Council Police and Fire Scrutiny Sub Committee of Police Scotland's performance and activities during the reporting period...". This report set out a broad range of statistical and performance information relating to the relevant reporting period, which included a section on public confidence which was related to complaints received about the Police and total allegations recorded. ([Police Scotland Performance Report A](#)).

From September 2018 until the meeting of the Committee on February 6 2020 the report provided by Police Scotland changed in its entirety with a move to an infographic style report and the section on police complaints was not always included although we do note that the report submission by Police Scotland in February 2020 and subsequent report on March 25 2020 did include a broad range of statistical information including the complaints received about the Police (as per its layout prior to September 2018).

It should be noted however that both the Divisional Commander (Chief Supt. Alan Murray) and Local Area Commander (Chief Inspector Debbie Reilly) have always been happy to discuss any complaints with members collectively and individually which is welcomed.

[Cont'd]

## **Any changes and improvements that could be made.**

Particularly in relation to Section 45(5) of the Police and Fire Reform (Scotland) Act 2012 regarding statistical information on policing of the area, it is apparent that how this is presented to local scrutiny panels could change either at a Divisional basis or at a local authority areas basis. It is therefore difficult to determine what changes or improvement could be made when essentially there could be 13 styles of report presented across the 32 local authorities. This extends to how Police Scotland would report statistical information on complaints made about the Police Service to its local scrutiny boards.

It could therefore be proposed that utilising the COSLA Police Scrutiny Convenors Forum to consider good or best practice would be a welcome start to determine how information is presented to local scrutiny committees and if there is a national requirement for change.

Regarding paragraph 347 of Dame Elish's preliminary report, there should be consideration on what is expected of the role of local scrutiny committees in respect of complaints handling, investigations and misconduct issues in relation to policing. Similar to our response to HMICS (as noted above) it would be helpful to the Committee to understand both the expectation and role of local scrutiny committees. It is therefore noted again that the COSLA Police Scrutiny Convenors Forum appears to be an appropriate body to progress with this issue. Ultimately any changes or improvements should be flexible that meets the needs of local scrutiny arrangements and responds to the legislative requirements of the Police & Fire Reform (Scotland) Act 2012.

We note recommendation 11 in respect of body-worn video technology. The Inverclyde Council Education and Communities Committee at its meeting in March 2018 agreed to the replacement of the public space CCTV system with a system run on the 4G network and hosted in the cloud. The system has been based in Greenock Police office for a number of years and benefits Inverclyde Council, Police Scotland and wider community planning partners. The capital costs of the replacement system was just over £200K which was entirely borne by Inverclyde Council. Historically Strathclyde Police followed by Police Scotland contributed £30K per annum although this was not guaranteed on a long term basis and reduced to £29,500 for 2018-19. As stated above this is based upon a per capita grant irrespective of the nature and extent of the public space CCTV system operated. It should also be recognised however that the CCTV monitoring suite is based in the Greenock police office which is an obvious in-kind contribution. It would therefore have to be considered if body-worn video technology was rolled out across Police Scotland if there would be a potential funding consequence to Inverclyde Council (and indeed all Scottish Local Authorities) from Police Scotland. Inverclyde Council would therefore welcome discussions with the relevant bodies should this recommendation be considered in the final report.

On behalf of the Committee I hope that the foregoing clarifies our position and we look forward to a final report in order that Inverclyde Council can consider its implications in the role of local scrutiny.

Yours sincerely

**Councillor Tommy McVey**  
**Inverclyde Police & Fire Scrutiny Committee Convenor**