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UK COVID-19 INQUIRY

WITNESS STATEMENT OF T/DCC ALAN SPEIRS

ON BEHALF OF THE NATIONAL POLICE CHIEFS' COUNCIL

PERTAINING TO THE POLICE SERVICE OF SCOTLAND

Introduction

1. This is a witness statement on behalf of the National Police Chiefs' Council (**NPCC**), drafted in response to a Rule 9 request for Module 2A dated 22 November 2022 (**the Rule 9 request**).
2. The information in this statement is (a) drawn from my own knowledge and experience; and (b) taken from material provided by staff within the Police Service of Scotland (**Police Scotland**), as well as documentary records.
3. I am the Temporary Deputy Chief Constable (**T/DCC**) responsible for Professionalism Strategy and Engagement within Police Scotland. I am a member of the Force Executive with over 30 years experience in Policing. I was

responsible for leading Police Scotland's operational response to the Covid-19 pandemic from March 2020.

Role and function of Police Scotland

4. The information in this section pertaining to the role and function of Police Scotland is drawn from the Annex to the Corporate Witness Statement of the NPCC for Module 1 of the Covid-19 Inquiry. That information is replicated herein for ease of reference between different modules of the Inquiry.
5. Criminal justice and policing are officially devolved to the Scottish Government under the Scotland Act 1998, with police forces administered by Scottish institutions for hundreds of years. The single service responsible for policing in Scotland is Police Scotland, which is wholly funded by the Scottish Government.
6. Police Scotland came into being on 1 April 2013, under the Police and Fire Reform (Scotland) Act 2012 (**the Act**). Prior to that date, policing in Scotland was administered by individual constabularies and organisations, namely:
 - i. Central Scotland Police;
 - ii. Fife Constabulary;
 - iii. Northern Constabulary;
 - iv. Dumfries and Galloway Constabulary;
 - v. Grampian Police;
 - vi. Lothian and Borders Police;
 - vii. Tayside Police;
 - viii. Strathclyde Police;
 - ix. The Scottish Police Services Authority (including the Scottish Crime and Drug Enforcement Agency).
7. Police Scotland falls within the portfolio of the Cabinet Secretary for Justice in the Scottish Government. The Scottish Police Authority (**SPA**) is responsible

for oversight of Police Scotland and reports to Scottish ministers and Parliament. The force is also subject to inspections by HMIC in Scotland.

8. Policing in Scotland is led by the Chief Constable who is supported by an executive team comprising three Deputy Chief Constables and a Deputy Chief Officer. They are assisted by ten Assistant Chief Constables and four Directors who are responsible for Finance, ICT and Change, Strategy and Innovation, and People and Development.
9. The Chief Constable of Police Scotland from March 2020 and throughout the response to the Coronavirus Pandemic was Sir Iain Livingstone QPM. He assumed the role on an interim basis on 8 September 2017, formally became Chief Constable on 27 August 2018 and retired 10 August 2023. Police Scotland is currently led, on an interim basis, by Deputy Chief Constable Designate, Fiona Taylor QPM. The following have previously served as Chief Constable of Police Scotland:
 - i. Sir Stephen House QPM (1 October 2012 – 30 November 2015);
 - ii. Neil Richardson QPM (Interim; 30 November 2015 – 5 January 2016);
 - iii. Philip Gormley QPM (5 January 2016 – 8 September 2017).
10. The three geographical regions of Scotland (North, West and East) are each overseen by an Assistant Chief Constable. Within each region, there are divisions led by a Chief Superintendent. In total, there are 13 local policing divisions in Scotland, each of which is aligned to a local area.
11. Under section 32 of the Act, Police Scotland is required to work in collaboration with other organisations, where appropriate, to achieve the purposes of policing as set out in the Act. The Chief Constable of Police Scotland is also required to seek to secure continuous improvement in the policing of Scotland and make arrangements to secure best value for the Police Service under section 37 of the Act.

12. In pursuance of these objectives, Police Scotland is a participating organisation within the NPCC and contributes to its funding. Its role is the same as that of signatories to the NPCC Agreement, but it is able to derogate from the decisions of the Chief Constables' Council where necessary and justified, for example to ensure compliance with Scottish legislation.

13. The role of the NPCC in relation to Police Scotland during the Covid-19 pandemic was coordinating and representative, in that it acted as a conduit for information sharing between forces and had some engagement with Whitehall on behalf of policing interests. However, the NPCC played no role in the enforcement of Covid-19 regulations in Scotland and it has no operational directive powers in relation to Police Scotland or any individual officer.

Operation Talla in Scotland

14. Operation Talla was established within Police Scotland on 29 January 2020, following a Scottish Government Resilience Room (**SGORR**)¹ meeting regarding the Covid-19 pandemic which was chaired by the First Minister. As a result of the meeting, Police Scotland initiated a command structure to respond to the Covid-19 pandemic and activated organisational plans for a pandemic scenario. This operational response was given the name "Operation Talla". That operational name was subsequently adopted more broadly by the NPCC to ensure consistency across the United Kingdom.

15. An initial Gold Group meeting was held on 29 January 2020, with a further meeting on 30 January 2020 convened by the Emergency, Events and Resilience Planning Unit². During the second meeting, six strategic objectives were identified for Operation Talla. The objectives were:

¹ This is a function of the Scottish Government which is activated during national crises to assist with coordination. It fulfils a similar role to the Cabinet Office Briefing Rooms in Whitehall.

² This is a Unit within Police Scotland which plays a role in planning, preparation and training for national crisis scenarios.

1. Provide an appropriate Police response, in support of health professionals, to incidents involving the coronavirus;
2. Safeguard health, safety and wellbeing of staff through appropriate planning, preparation and response arrangements;
3. Provide appropriate communications to inform and reassure public and staff, in line with Public Health guidance;
4. Work with other agencies to prevent the spread of the disease;
5. Monitor and respond appropriately to any community tensions;
6. Ensure Business Continuity arrangements are in place within Police Scotland.

16. On 20 March 2020, Police Scotland published the first version of the Operation Talla Gold Strategy Document, which reflected the objectives set during the Gold Group meeting on 30 January 2020.

17. The structure of Operation Talla consisted of Gold and Silver commanders, with Bronze representation aligned to different portfolios, including:

1. Business Continuity: this cell focused on resourcing and planning to ensure Police Scotland was able to maintain critical policing functions throughout the pandemic;
2. Logistics: this cell was tasked with identifying, sourcing, procuring, delivering and training in the use of PPE. At a later stage, the Logistics Cell worked on the procurement of PPE to ensure BAU could continue after Operation Talla concluded;
3. Information: this cell focused on obtaining and sharing statistical information regarding Coronavirus interventions;
4. Health and Safety: this cell was formed to address ongoing health and safety concerns raised by the pandemic. It was tasked with ensuring that appropriate policies and procedures were adopted and implemented to meet the evolving risk posed to Police Scotland staff and officers.

18. Other departments within Police Scotland also played a role in Operation Talla, including the Corporate Communications, Contact, Command and Control Division, and the Criminal Justice Services Division (**CJSD**). These departments, among others, were represented at the Operation Talla Silver and Gold groups.
19. Gold and Silver meetings were usually remote and were held regularly throughout the pandemic, with the specific frequency changing over time to meet emerging threats or time-sensitive issues. Decisions made at meetings were communicated and disseminated across Police Scotland by Corporate Communications using the Operation Talla section of the Police Scotland Intranet. Frontline officers also received a daily electronic briefing containing pandemic-related data and information about changes to regulations, legislation or guidance.
20. The Strategic Oversight Board, which was chaired by the Chief Constable, was responsible for oversight of the Operation Talla command structure.
21. Operation Talla within Police Scotland was fully engaged with the NPCC throughout the pandemic and participated in the UK Silver Covid meeting. This was done in order to maximise the shared value in collaboration and cooperation in furtherance of the statutory obligations of Police Scotland under the Act.
22. Contact was ordinarily through the NPCC portfolio lead for Civil Contingencies, a role which was initially held by Paul Netherton and subsequently by Owen Weatherill. It was through this channel that the Covid-19 Police Gold Strategy document which is referred to above at [§16] was shared to enable forces to adopt or adapt it to develop local strategies. There were weekly meetings for the first month of the pandemic, between Police Scotland and the NPCC, thereafter the primary means of contact was via the NPCC Operation Talla Gold and Silver meetings which were chaired by ACC Martin Hewitt and ACC Weatherill, respectively and at which Police Scotland were represented. There were also separate and less frequent opportunities

for contact between Police Scotland and NPCC through the Civil Contingencies forums, chaired by Paul Netherton.

Guidance, briefings and information sharing

23. As part of Operation Talla, the NPCC shared guidance, policies and briefings with Police Scotland. The documents were reviewed and, where appropriate, adapted by Police Scotland on a voluntary basis through cooperation and engagement. This aligned with the usual practice of Police Scotland and the NPCC prior to the pandemic.

24. For example, during the pandemic the NPCC produced guidance setting out the 'Four Es' approach to enforcement: Engage, Explain, Encourage, Enforce (**the 'Four Es' guidance; INQ000099936**). Enforcement, whether through the issuance of a Fixed Penalty Notice or otherwise, was used only as the last resort after the first three 'Es' had been undertaken. The 'Four Es' guidance was produced in March 2020 by the NPCC and College of Policing and remained unchanged throughout the pandemic.

25. The 'Four Es' guidance was adopted by Police Scotland from 27 March 2020. The Chief Constable maintained both publicly and internally that enforcement was a last resort and that the policing of the pandemic should be by consent. This remained the approach of the organisation throughout the pandemic.

26. Aside from the 'Four Es' guidance, other briefings were shared routinely within Police Scotland and with the NPCC. There were two broad categories of briefings, relating to: i) government guidance; and ii) internal Police Scotland information.

27. The former was produced by the Scottish Government to accompany the introduction of new regulations or legislation. It was ordinarily received in completed format for implementation. On occasion, Police Scotland were given advance notice by way of embargoed information of proposed changes to law,

in order to allow sufficient time to prepare internally and assess any potential impact.

28. The second category included documents produced within Police Scotland to assist staff and officers in undertaking their roles safely within the context of the pandemic. Information about enforcement was produced by CJSD, working with representatives from Operation Talla, who liaised with the Scottish Government Police Powers Division regularly to discuss the potential impact of legislation.
29. Aside from matters related to enforcement, a broad range of briefings were produced by departments within Police Scotland. For example, the Health and Safety department and the People and Development department produced information about social distancing, hygiene and working from home, which was disseminated to staff.
30. When identified, issues requiring guidance were referred by the Bronze representative for decision at the Silver Group meeting and on occasion ratified at Gold Group level, or through the Strategic Oversight Group which was chaired by the Chief Constable. When agreement was reached, changes to guidance were communicated back to all policing divisions and departments through the Corporate Communications Department. The information was disseminated using the Police Scotland intranet and email system and briefings were given to supervisors so that frontline officers could be informed of any changes by their line managers prior to starting a shift.
31. Other than the 'Four Es' guidance, material which was shared by the NPCC was not adopted wholesale within Scotland. This was because of differences in the regulations and the approach taken by the Scottish Government. Instead, Police Scotland generally drafted its own documents and guidance, or made amendments to NPCC material to ensure it was tailored to the context of policing in Scotland.

32. Nonetheless, Police Scotland maintained positive contact and cooperation with the NPCC throughout the pandemic through the Single Point of Contact (**SPOC**) for Police Scotland. The primary method of information sharing between the NPCC and Police Scotland was a digital platform called "ChiefsNet". A support officer for the executive team of Police Scotland was expected to access ChiefsNet on a daily basis to review documentation that had been uploaded and disseminate relevant information to the most appropriate department within Police Scotland. If necessary, the material would then be shared with officers through the organisation's ordinary procedures. All members received Daily Submissions, which highlighted incidents of note, crime trends or other concerns relevant to forces throughout the UK. Information was also shared with the NPCC via email circulation lists.
33. In addition, data was collated from the Police Scotland Coronavirus Intervention application (**CVI**). This was a bespoke computer system, created by Police Scotland IT services working with Operation Talla, which was designed to monitor police interventions related to Covid-19. CVI was created as a result of the recognition of the importance of collecting and monitoring data regarding pandemic policing for the purposes of ensuring transparency and accountability.
34. Prior to the pandemic, only instances of enforcement were recordable on police data systems. The introduction of the 'Four Es' guidance meant that it became important to find ways to record occurrences of the first three Es, namely engagement, explanation and encouragement by officers.
35. CVI utilised an existing Sharepoint platform and was live for use by officers by mid-April 2020. The platform allowed officers carrying out interventions to submit information to CVI about engagement with the public. The data was collated and used to monitor trends or incidents involving large numbers of people. CVI did not record personal details of those involved in the interventions, but it did record the location of the incident, which assisted Police Scotland in identifying locations where potential breaches were concentrated.

This allowed for targeted education and engagement to minimise the risk of future breaches in those locations.

Fixed Penalty Notices

36. The Fixed Penalty Notice (**FPN**) scheme was introduced under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (**the Regulations**) in late March 2020. An FPN is not a criminal conviction, but it is recorded on police systems and may be disclosed by an enhanced disclosure application for a period of time after it is issued. Prior to the Covid-19 pandemic, the FPN scheme was already in existence and used by Police Scotland to address a variety of offences including, but not limited to, anti-social behaviour and road traffic matters.

37. The FPN framework in Scotland relative to Coronavirus enforcement was overseen by the Lord Advocate. Their role included the determination of the monetary value of FPNs, identifying the range of persons who could potentially be subject to an FPN and producing guidance to officers within Scotland on the issuing of FPNs. These were not matters in relation to which Police Scotland had the power to make a determination or effect unilateral change.

38. In practice, FPNs were issued by an officer who identified an offence under the Health Protection (Coronavirus) (Scotland) Regulations 2020 (or subsequent iterations and amendments to those Regulations). The officer was responsible for undertaking background checks to confirm that the person in question was eligible to receive an FPN. Factors affecting eligibility included the person's age and whether they had previously received one or more FPNs. If the person was found to meet the necessary criteria, the officer would issue an FPN before registering it for submission to their supervisor.

39. The issuing of a FPN was considered a measure of last resort and this position was emphasised and communicated internally. Governance included a review of all FPNs by the issuing officer's supervisor to ensure the procedure had been adhered to. This included consideration of whether the appropriate offence had

been identified and relevant information completed. If the criteria were not fulfilled, the supervisor could initiate withdrawal of the FPN. FPNs were also reviewed by personnel within the Central Ticket Office³ or the local divisional equivalent for the relevant area.

40. Details of FPNs were then shared with the courts so that information could be received regarding payment, or whether an FPN had been contested. This information was retained and collated at a divisional level within Police Scotland.

41. If an FPN were contested in court by the recipient, a “Standard Prosecution Report” would be submitted by Police Scotland to the Procurator Fiscal. The evidence contained therein could then be used by the Procurator Fiscal to determine whether there was a case to answer.

42. The issuance of FPNs was included as part of the daily reporting structure of Police Scotland. Each FPN was recorded on the CVI platform.

43. Guidance on the issuance of FPNs by officers was produced by the Lord Advocate and was published in open-source format online on 1 November 2020.

44. There were a number of changes to the FPN framework during the pandemic. For example, initially the minimum age for eligibility to receive an FPN was 16 years old. This was reviewed by the Lord Advocate and on 27 May 2020 the minimum age was increased to 18 years old. This change was prompted by receipt of a report from the Children and Young People’s Commissioner identifying human rights concerns.

45. On 20 April 2020, Police Scotland was contacted by the Scottish Government and notified of the potential change. It was afforded an opportunity to comment,

³ The Central Ticket Office is a central office within Police Scotland for tickets and FPNs to be collated and the necessary administration completed, before they are shared with the court.

with a deadline for responses of the end of the same day. In its response to the Government, Police Scotland did not oppose the proposed change, but recommended amending the Lord Advocate's guidelines to allow breaches by persons aged 16 or 17 years old to be dealt with by way of Recorded Police Warning instead of an FPN. This response was given because Police Scotland recognised the importance of ensuring the protection of children and conforming with the UN Convention on the Rights of the Child, but balanced this against the need to regulate the behaviour of 16 or 17 year olds which could otherwise increase transmission and place vulnerable persons at risk. This recommendation was ultimately adopted by the Scottish Government.

46. The 'Four Es' guidance was at the forefront of all decision-making for the enforcement of Covid-19 regulations. This was regularly reinforced through internal messaging and officer briefings. This consistent messaging within Police Scotland led to a predominant use of dispersals, meaning interventions resulting in the persons involved ceasing the activity in breach and leaving the relevant area without a formal disposal, with a relatively small proportion of police encounters leading to the issuing of FPNs (11.6% of all interventions, with less than 0.5% of the adult population of Scotland receiving an FPN, according to the Fourth FPN Report dated 4 August 2022, at page 11).

Consideration of Protected Characteristics

47. Police Scotland must ensure at all times that any exercise of its policing powers is undertaken in accordance with its obligations under the Equality Act 2010. This principle applied prior to the pandemic and throughout the relevant period. All officers are trained to know and apply these requirements as part of business as usual policing.

48. Throughout the pandemic, Police Scotland sought to engage with partners to understand the impact of Covid-19 on those with protected characteristics and on ethnic minority groups. In May 2020, the Police Scotland department for Partnerships, Prevention and Community Wellbeing, Equality and Diversity

(PPCW E&D) was tasked with contacting partners to ask about communities' experiences of the pandemic to inform the policing response.

49. A number of responses from partner organisations resulted in direct action on the part of Police Scotland. For example, Disability Equality Scotland reported an increase in contact from persons refused entry and/or service in supermarkets on the basis that they were not wearing a face covering. Reports included staff requiring a medical letter or exemption card before allowing customers to enter. In response, PPCW E&D ensured that the Scottish Business Resilience Centre (**SBRC**) circulated a reminder of the terms of the guidance to retailers, including information about exemptions from the requirement to wear face coverings;
50. Another example is that Police Scotland were informed by partner organisations and stakeholders such as Deaf Action, Deaf Scotland, Deafblind Scotland and others of difficulties faced by those reliant on lip-reading as a result of the widespread use of face coverings. Police Scotland sought to address this by procuring IIR masks with clear panels to facilitate communications with officers. These masks were issued to all divisions and departments as an alternative to the standard IIR for use as and when required.
51. Specific guidance was created for British Sign Language communities by Police Scotland. A number of webinars and online public meetings were held to provide reassurance in response to the concerns. For example, PPCW created a video entitled "Police Scotland – BSL Coronavirus Message July 2020" in accessible format. The video was shared on YouTube, Facebook and Twitter and disseminated to partner organisations and stakeholders such as the SBRC.
52. PPCW E&D worked with local policing Divisions and ethnic minority communities to monitor pandemic-related tensions. There was a recorded increase in crimes and other incidents directed towards individuals perceived to be of Chinese and/or South East Asian origin, linked to the perception that the virus had originated from China. Aside from policing and working to prevent the incidents, Police Scotland communicated with the Scottish Chinese

Professionals Group to identify concerns. A manual review of incidents between January and September 2020 was undertaken based on records to identify relevant offending and the primary location of concerns. The review identified that there had been an overall increase in the number of such incidents during the Covid-19 pandemic.

53. In response, Police Scotland created guidance for Chinese communities in relevant languages to promote the importance of reporting instances of crimes or discrimination. Bespoke guidance was provided to particular Divisions on how to assist in the creation of a Third Party Reporting Centre (TPR) as a further avenue to encourage reporting of incidents.

54. The PPCW E&D Unit worked with an organisation called East and South East Asian Scotland, to establish a TPR Centre. A Chinese New Year video was created which included COVID messaging. Safety advice around increased criminality during Chinese New Year was also produced and translated to increase accessibility.

55. Another issue identified during communications and outreach with partners working with vulnerable groups and minority communities was the impact of the pandemic on persons who live with autism, mental health problems, learning disabilities or other hidden disabilities. It was identified during the pandemic that additional guidance for officers on the emergency powers would be helpful to offer reminders of the need for awareness and care, in terms of their needs to access spaces outside their homes for mental and physical health. In response, guidance was circulated to officers on 27 April 2020.

56. Throughout the pandemic, Police Scotland sought to identify where there had been disproportionate impact upon vulnerable groups and minority communities and to take steps where possible within its powers to address that impact in partnership with academic institutions, charitable organisations and community groups.

Communications with the Scottish Government

57. There was regular engagement between members of the Force Executive, Senior Managers of Police Scotland and the Scottish Government. This included Covid Compliance Advisory Group, Legislation Review Meetings and Legislative catch-up meetings. Officers from Operation Talla and CJSD supported these meetings, and also engaged with the Scottish Government regarding legislation and proposed changes to regulations. A small unit from CJSD was created for the purpose of liaising directly with the Scottish Government Police Policy Division to discuss new regulations and perceived challenges. Officers from the unit were responsible for preparing briefings for dissemination to officers, usually in the form of PDF or Powerpoint documents.

58. The majority of the meetings between the Scottish Government and officers from Operation Talla were formal, structured and agenda-based. However, as a result of the dynamic nature of the pandemic there were often also informal meetings and discussions with the Scottish Government. Such meetings gave Police Scotland an opportunity to highlight implementation and enforcement challenges associated with certain aspects of the legislation. Open lines of communication allowed for clarity to be sought where necessary.

59. Police Scotland also worked to fulfil its statutory functions under the Civil Contingencies Act during the Covid pandemic, including by coordinating Resilience Partners through the establishment of the National Coordination Centre (**NCC**). The NCC operated on a virtual model. Within the NCC there were Scottish Government Liaison Officers, who acted as a conduit for information with the Scottish Government and arranged the attendance of relevant partners at SGORR meetings. According to records held by Police Scotland, senior police representatives attended 23 SGORR meetings held during 2020, 11 in 2021 and 6 in 2022. ACC Williams attended SGORR meetings on behalf of Police Scotland and in his wider role in the Resilience Partnership, as co-chair of the Strategic Coordination Group.

60. Throughout the pandemic, there were frequent and dynamic changes to legislation, regulations and circumstances. In that context, the notification

periods afforded to make changes to operating models and policy were at times very short. Police Scotland was sometimes required to make changes related to enforcement at a fast pace. On occasion, due to the nature of the pandemic, there was very little time for consultation in advance. For example, emails informing Police Scotland of legislation changes were sometimes received after office hours or after the changes were adopted.

61. One example of the very fast turnaround time for the introduction of policy amendments affecting enforcement and policing relates to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 18) Regulations 2021, which, *inter alia*, imposed restrictions on places of worship. Due to the complexities of these changes, there were challenges in providing Police Scotland with advance notice of the proposed amendments.

62. The amendments were then subject to further emergency amendments in the hour before they came into force, following the outcome of a judicial review by another party. In those circumstances, Police Scotland had limited time to amend and circulate internal briefings to frontline officers. While this was an extraordinary example involving late judicial intervention, it is illustrative of the challenges faced in relation to the implementation and enforcement of regulations during the pandemic.

63. Aside from the challenges posed by short timescales, there were some occasions where questions arose regarding the interpretation of the Regulations. For example, on 28 August 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) (Amendment No 13) Regulations 2020 came into force, making it an offence for any person to attend a party of 6 or more persons within a private dwelling. The provisions gave relevant persons the power to force entry to a premises where such a party was taking place in certain circumstances. However, in practice officers were unable to establish the number of persons within a dwelling without entering it, so this power could not be used. Police Scotland liaised with the Scottish Government to highlight the practical implications and seek

amendment to the legislation. Following this dialogue, on 2 November 2020 the regulations were amended again to remedy the issue and empower relevant persons to force entry if they reasonably suspected that a gathering consisting of more than six persons was taking place.

64. The short timescales and occasional confusion regarding the interpretation of the regulations reflected the difficult circumstances of the pandemic and the need to respond to evolving data. Although the rapid changes were sometimes challenging, in general Police Scotland worked well with the Scottish Government. There were frequent meetings and a continuing dialogue by email and phone, so that issues could be raised promptly and addressed as needed.

65. There is no record of Police Scotland being asked to provide information or advice to the Scottish Government regarding the effect of proposed legislation or regulations upon those with protected characteristics under the Equality Act 2010 and/or ethnic minority groups. While Police Scotland sought to engage with partner organisations and local communities on this issue as set out above at [§§47-56], no extant records of liaison with the Government on this issue have been identified.

66. The Chief Constable was invited to give evidence to Holyrood Committees regarding policing in the pandemic. Evidence has been provided by the Chief Constable and Police Scotland both in writing and in person, for example:

- i. Evidence was given to the Justice Sub-Committee on 9 June 2020 and a written response was provided by the Chief Constable on 19 June 2020;
- ii. Evidence was given to the Justice Sub-Committee on Policing on 27 August 2020;
- iii. Written evidence was provided in response to an invitation dated 8 September 2020 to a Round Table evidence-gathering meeting of the Criminal Justice Committee;
- iv. Written evidence was given to the Committee on behalf of the Chief Constable by the Assistant Chief Constable for

Public Protection on 23 October 2020, pertaining to the provision of support for vulnerable groups during the pandemic;

- v. Written evidence was provided on 19 November 2020 in response to an invitation from the Scottish Parliamentary Covid-19 Committee.

Independent Advisory Group

67. On 9 April 2020, an Independent Advisory Group (**IAG**) was established by Police Scotland and the SPA in order to review the use of temporary police powers in response to the Covid-19 pandemic and to consider ethical issues arising. In accordance with the Terms of Reference of the IAG [**AS/01 – INQ000232511**], dated 27 April 2020, the purpose of the group was to ensure that the use of powers by Police Scotland was compliant in application and spirit with:

1. Human rights principles and legal obligations;
2. The values of Police Scotland – integrity, fairness and respect – and its “safety and wellbeing” remit as laid out in the Police and Fire Reform Act (Scotland) 2012; and
3. The purpose of the 2020 Act and Regulations, namely safeguarding public health.

68. The group was chaired by John Scott KC and reported directly to the SPA in its role as the oversight body for Police Scotland. It was established in order to ensure that the temporary police powers were being used appropriately and that enforcement remained a last resort, in order to provide an additional monitoring and assurance function. The remit of the group included taking account of the views of police officers and members of the public regarding the scope, clarity and use of the powers during the pandemic.

69. The IAG met on a regular basis between April 2020 and May 2022. As part of its outreach efforts, the IAG held a number of webinars which were

livestreamed online to share information with the public about the impact of policing the pandemic and human rights. Webinars were held on 30 July 2020 and 5 October 2020.

Lessons learned/reflections

NPoCC and face coverings

70. The handling of the provision of PPE bears specific mention. This was essential to enabling the police service to function through the pandemic, and to the discharge of the service's responsibilities to officers and staff. Operation Talla worked with the National Police Co-ordination Centre (**NPoCC**) in respect of PPE. At the outset of the pandemic, NPoCC played an important role in the ordering and distribution of PPE to police forces throughout the UK. In July 2020, Police Scotland received a delivery of 32,000 face coverings from NPoCC at no cost to the force. These were distributed across Police Scotland for use within the office environment to enable business continuity.
71. A different approach was taken to the use of face coverings in frontline policing in Scotland. Health Protection Scotland provided sector-specific guidance for emergency workers regarding PPE which was circulated within Police Scotland in February 2020. As a result of this guidance, a risk assessment was carried out by Police Scotland's Health and Safety department in order to identify the level of PPE required to ensure officers were safe in public-facing roles. This risk assessment was undertaken in consultation with the Scottish Police Federation and by reference to Scottish HSE guidance which had been published online.
72. As a result, Police Scotland determined that the safest course of action was to require the use of Respiratory Protective Equipment by officers, and in particular to require the use of a Filtering Face Piece 3 (**FFP3**) mask.
73. This enhanced standard of protective equipment was different to that required by organisations in other areas of the UK. The enhanced approach was taken

because of the increased likelihood of frontline officers being required to breach social distancing guidance in the course of their duties and the possibility of that occurring in relation to a person who was Covid-19 positive (as opposed to office staff within Police Scotland, who were less likely to have close contact with persons who were Covid-19 positive). The rationale included consideration of the fact that the effectiveness of type IIR fluid resistant surgical masks can be dependent on other persons present using the same level of protection.

74. As a result of this decision, Police Scotland took steps to source its own face coverings to the FFP3 standard. IIR FRSM masks were issued for use in the office and vehicle environment only, on the basis that all persons present were required to utilise them.

75. While the procurement of the masks was not challenging, the fitting of the masks and training officers in their proper use did present a logistical challenge. Police Scotland responded to this by purchasing additional portacount machines and training dedicated face fit testers. Officers with facial hair were instructed to be clean shaven at all times when required to use an FFP3 mask. Ultimately, all officers identified as requiring an FFP3 mask had been fitted with the new PPE and tested within 3 months.

The OLG

76. At an early stage of the pandemic, Police Scotland recognised the importance of organisational learning, as well as the effect which the pandemic could have in creating lasting changes to organisational culture. An Organisational Learning Group (**OLG**) was established in order to identify opportunities for learning and best practice. The OLG was chaired by Superintendent Catriona Paton. Its role was to:

- i. Provide a central learning repository and co-ordination function to capture lessons identified and learned through Op Talla activity;
- ii. Provide an Op Talla 'Scoping Report' capturing and assessing all issues and suggestions raised by staff, partners and National Policing networks

- through liaison with the NPCC and others, identifying key themes and learning recommendations for Senior Executive approval;
- iii. Where relevant and necessary, utilise formal de-briefs to provide deeper understanding of Op Talla impact on staff, partners and organisational structures, processes and communication.

The Recovery Strategy and RCIG

77. Police Scotland also developed a “Recovery Strategy”, to identify medium- to long-term requirements for recovery and learning from the pandemic. This strategy was later renamed as the “Renewal and Continuous Improvement Strategy”, focusing on i) supporting Police Scotland’s people; ii) shaping processes and managing change; and iii) external service delivery.

78. In addition, Police Scotland formed a Renewal and Continuous Improvement Group (**RCIG**) to coordinate planning within business areas in order to return to a new operating normality following the pandemic.

The Operational Scoping Report and reflection document

79. As part of the Recovery Strategy, Police Scotland commissioned an “Organisational Scoping Report” to set out learning identified from Operation Talla. [AS/02 – INQ000232510] The report addressed the period from the start of the pandemic to June 2020. The final version of the report was published on 10 July 2020.

80. The report made 27 recommendations for learning by the organisation. It was supported by six appendices, including the following information:

1. Research and innovation: providing information and recommendations regarding Public Confidence surveys;

2. External learning from the NPCC: providing an overview of submissions made to the College of Policing related to Operation Talla;
3. External learning from the National Co-ordination Centre: providing an overview of lessons learned submissions from the Multi-Agency Co-ordination Centre;
4. Target Operating Model: Mapping opportunities and recommendations to identify best practice;
5. CLIO search to assist in identifying key themes;
6. Recommendation Completion: providing a template for completion to ensure learning has been embedded.

81. Internal messaging encouraged the submission of identified good practice and learning points to the OLG to inform the Scoping Report.

The debrief project

82. In the second half of 2022, Police Scotland conducted an organisational debrief. [AS/03 – INQ000232508] I played a key role in this project and was the “owner” of the final report. To facilitate the debrief, a set of broad questions were hosted on an accessible platform which was shared with line managers to enable officers and staff to submit collective responses. The report was compiled in sections to include:

- i. Practice;
- ii. Observations; and
- iii. Recommendations.

83. Fifteen different recommendations were identified from the feedback to be taken forward. An action plan is being developed to ensure the recommendations are implemented where appropriate.

The FPN reports

84. In order to understand trends in enforcement during the pandemic and ensure transparency and accountability, Police Scotland commissioned a group of academics (Dr Victoria Gorton, Dr Ben Matthews, Professor Susan McVie and Dr Kath Murray) to write four reports on the use of FPN notices in Scotland during the pandemic. The reports were commissioned to inform the work of the IAG. All four reports were published online and are available in open source format.

85. The final report, dated 4 August 2022, addressed the use of FPNs by Police Scotland throughout the pandemic. [AS/04 – INQ000237055] The report drew upon data provided by Police Scotland listing all FPNs issued under the Coronavirus legislation between 27 March 2020 and 31 May 2021, as well as data gathered from the CVI system. The report made a range of findings regarding enforcement, which have been received by Police Scotland and will form an important part of lesson learning for the organisation moving forward.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: Personal Data

Dated: 31 August 2023