

Equality, Diversity, Inclusion and Human Rights Independent Review Group

Second Interim Report October 2023

1. Purpose

1.1 This is the second of two interim findings reports from the Equality, Diversity, Inclusion and Human Rights Independent Review Group (IRG), established by Police Scotland in 2021, ahead of its final report in early 2024.

1.2 In this report we provide some observations on the evolving context at Police Scotland including the former Chief Constable's statement acknowledging institutional racism, sexism, misogyny, and discrimination within the service:

'However, it is right for me, the right thing for me to do as Chief Constable, to clearly state that institutional racism, sexism, misogyny, and discrimination exist. Police Scotland is institutionally racist and discriminatory. Publicly acknowledging these institutional issues exist is essential to our absolute commitment to championing equality and becoming an anti-racist Service. It is also critical to our determination to lead wider change in society.'

1.3 We will also provide an update on the IRG's progress since the first interim findings report in May 2023, outline the development of the assurance framework we will use in the final report and provide some high-level commentary in relation to the framework's core themes, commitment, strategy, and delivery.

2. Context

2.1 In our first interim report we acknowledged that Police Scotland had made a significant, consolidated commitment to Equality, Diversity, Inclusion and Human Rights (EDIHR) over the past two years. We also commended the former Chief Constable's unequivocal commitment to lead a police service that is anti-racist and anti-discriminatory and welcomed the creation of an executive post to lead the work under the umbrella of Policing Together. Policing Together is the primary programme to ensure that EDI&HR and Police Scotland's Values and Standards are a key focus for all personnel thereby enhancing service delivery.

2.2 The core focus of our review is to assess the extent to which the pace and efficacy of the delivery of Policing Together matches that commitment. This is embedded in our review approach and strategic outcomes. A key concern highlighted in our first interim report was that progress on the operationalisation of strategy remained a significant barrier to progress.

2.3 On the day that our interim report was discussed at the Scottish Police Authority Board, the Chief Constable made the statement referred to above. In doing so, he made a clear distinction between Police Scotland's systems and processes which he acknowledged were institutionally discriminatory and the attitudes and behaviours of the workforce at large.

2.4 At the Board we provided an initial response to the statement which has been subsequently endorsed by the whole IRG. We applauded the statement, recognising that it was an historic moment for policing in Scotland. We welcomed the removal of ambiguity it brought which we had observed as a distraction to progress elsewhere.

2.5 We also welcomed the fact that the leadership of Police Scotland had chosen to make the acknowledgement of institutional racism, sexism, misogyny, and discrimination themselves, as distinct from it being the judgement of an external inquiry or review. Our view was that this provided the opportunity for a level of ownership which would enhance the ability of the service to make progress. Recognising the nature and scale of the problem, which the Policing Together strategy needed to address, could itself be an accelerator for change.

2.6 In welcoming the statement, we recognised that it altered the context in which we were conducting our review. We would need to consider it in our ongoing programme of evidence gathering, including seeking to understand the leadership's rationale and the impact of the statement within the service.

2.7 During our subsequent engagement with senior officers, staff and trade union representatives and diversity staff associations we have encountered almost unanimous support for the key tenet of the statement. We found little, if any, disagreement with the acknowledgment of institutional racism, sexism, misogyny, and discrimination itself. Though while acknowledging the statement, the Scottish Police Federation was critical of the way it had been framed, in their view to the detriment of officers.

2.8 There was also a widespread recognition that making such an acknowledgment was the right thing to do. Respondents spoke of the statement addressing the 'elephant in the room' and providing the opportunity to move beyond repeatedly defining the problem. Acknowledging the problem head on was seen as an indication of organisational confidence and maturity. Senior officers spoke of the way it has strengthened their wider leadership role as they have drawn on the statement to challenge inertia and resistance internally and promote dialogue with other institutions. Representatives of diversity staff associations felt heard and that the experiences of those that they represent had been recognised and validated.

2.9 In contrast, in some of our engagement with local divisions we heard examples of strong resistance to the Chief Constable's statement, often from senior officers who did not share the protected characteristics covered in the statement. We were made aware of overt and outright denial of the existence of racism, sexism, and misogyny, and of more junior officers who do share those protected characteristics being put in the position of having to defend the Chief Constable's statement and argue the case for it.

2.10 We have also heard less positive feedback from some managers on the frontline. This included instances of officers out in communities receiving abuse, families of

ethnic minority officers questioning why they were working for a 'racist organisation', leaders being challenged by their families about how they could have allowed discrimination to happen and concerns about the potential impact on some of the work to recruit a more diverse workforce. This appears to be due to a lack of understanding of the 'institutional' aspect of message which we hope can be overcome.

- 2.11 We also encountered varying levels of frustration regarding the handling of communications around the statement. This included questions as to whether there could or should have been some advance notice to enable line managers to be better equipped to deal with the impact on frontline officers and concerns about and apparent lack of engagement with key internal and external partners.
- 2.12 For some, the way the message delivered was seen as a missed opportunity to get the whole organisation on board. Some who said they were 100% behind the statement felt they had not been given a clear enough steer as to the rationale for making it. The impact of this perceived weakness in communications was described as frontline officers not understanding the core message and feeling ill equipped to deal with family members raising concerns or criticisms in the community.
- 2.13 The effectiveness of the communications handling, strategy and approach is clearly a contested issue. However, it is clear that setting aside the criticisms we heard, detailed advance planning had been undertaken including an assessment of the key risks which subsequently materialised.
- 2.14 A toolkit was made available on the day the statement was made and was downloaded more than 15,000 times. While this is positive, it does not provide an indication of the efficacy of the toolkit. We are aware that some post hoc evaluation has been undertaken and one key thing that might have been done differently would have been to use more examples of institutional racism and discrimination in the toolkit. This does address one of the criticisms we heard.
- 2.15 We are also aware that survey work has been undertaken since the statement was made to understand the workforce response. The leadership perception is of a corner having been turned more recently as the initial emotional response has been followed by reflection and application. There is a recognition of a journey which will take time involving early adopters, resisters, and those in between.
- 2.16 The purpose of our commentary on this issue is not to make a judgement on the criticisms levelled at the communications approach. We are in no doubt that the handling of such a sensitive and historic statement was always going to be challenging, particularly with respect to confidentiality in the run up to the day itself. There was an understandable concern that the statement might leak and lose impact as a result. We would however encourage continued open and objective reflection on the way the statement played out in the workforce and beyond given its significance to the Policing Together agenda.

2.17 We are aware that the timing of the statement in relation to the former Chief Constable's imminent departure presented some challenges. We agree that in the wider context, it was the right time for the leadership of the service to make such an acknowledgment. We also accept that in another sense there is never a right time, only a necessary time.

2.18 However, prior to the new Chief Constable taking up post we observed a level of uncertainty within the service about whether she would support the judgement made and what this might mean for the direction of travel. We will come back to the impact of this transition later in our report.

2.19 We welcome the Scottish Police Authority's decision to establish a Policing Together Oversight Group. The Authority clearly has a critical role to play in driving forward this agenda and in terms of commitment we take confidence from its constructive engagement and its shared belief that the efficacy of the strategy will depend on the rigour of the implementation plan and outcome measures. We look forward to further discussions with the Board about how this additional layer of governance will contribute to assurance and scrutiny.

3. Our assurance framework and reporting approach

3.1 In our first interim report we discussed our outcomes and approach including our continued focus on four outcomes across three areas of our review: culture, strategic direction, and training and development. We indicated that we had identified seven proxy themes which we anticipated would form the basis of our reporting framework: governance and oversight; dealing with complaints and grievances; the role of middle/people management; policies and practice; training and development; recruitment, retention, and promotion; and vetting. We noted that in parallel we are conducting a deep dive into Police Scotland's work on sexism and misogyny. That deep dive is ongoing, but we have incorporated some early insights from it into this report.

3.2 We went on to provide some early insights in relation to each of those proxy themes and to offer a provisional level of assurance across those four strategic outcomes. In doing so we focused on two overarching categories of assurance: intention and commitment; and implementation and delivery. We indicated that we expected to provide further detail in this report on how we will calibrate assurance in our final report.

3.3 In further developing our reporting framework we have reflected on feedback and observations we received on our earlier progress and interim reports, including from the Scottish Police Authority Board. Our intended reporting framework is captured in Annex 1.

3.4 We will first look to offer a RAG rating in relation to three categories: commitment, strategy, and implementation. We have added strategy to the categories used in our first interim report because we think it is essential to consider the ongoing

development of the Policing Together strategy. The effectiveness of the strategy will have a significant impact on the efficacy of implementation.

- 3.5 In reaching a judgement about the RAG rating across the three categories, we will consider the evidence available to us in relation to each of the seven proxy themes referred to above. In reaching a rating we recognise that there will be areas of strength and weakness and we will aim to ensure that is reflected in the commentary we provide on the rationale for each judgement.
- 3.6 We recognise, of course, that we will be making a series of judgments at a fixed point in time and that the cultural transformation required to eradicate institutional discrimination requires a long-term approach. We therefore intend to offer a second set of ratings focused on the future.
- 3.7 These will focus on our view of Police Scotland's prospects in the delivery of Policing Together based on one of three ratings: poor, uncertain, or promising. We will provide supporting commentary exploring our rationale across the seven proxy themes. We will also provide a view of the sustainability of the work, considering drivers for change and barriers to be overcome.
- 3.8 Finally we will consider what good might look like in ten years-time and the key steps that we think Police Scotland will need to take in the next one to three years to achieve it. While appreciating that culture change takes time to embed, we are aware of the importance of the pace of implementation and keen to consider the role of short - and medium - term actions in making progress.
- 3.9 We do not want to add to existing and future recommendations from other external reviews and inspectorate reports. In keeping with our role as a critical friend we will seek to offer objective assurance and advice. In doing so we will aim to provide a framework for future consideration by Police Scotland and the successor Independent Review Group referred to in the Policing Together strategy. We will come back to the role of that group in our final report.

4. Evidence gathering and further insights

- 4.1 During the last six months we have continued to engage with officers and staff across Police Scotland. This has included interviews and discussions with the majority of the senior leadership team and those responsible for Policing Together; interviews with functional leads in Professional Standards, Vetting, People and Communications; interviews with representatives of the Scottish Police Federation, Unite and Unison; and a full day of discussions with various managers and leads across Learning, Training and Development.
- 4.2 We have also met with members of the Scottish Police Authority Board including the Chair, the Chair of the People Committee, and the Chair of the newly established Oversight Group on Policing Together.
- 4.3 In parallel, work has progressed in relation to the deep dive being conducted by members of the IRG on sexism and misogyny which has involved direct

communication with women employed by Police Scotland. This has included officers and police staff with various levels of seniority and experience.

- 4.4 The purpose of these discussions has been to continue to build a picture of progress in relation to the development and delivery of Policing Together with a particular focus on the three core categories and seven proxy themes described in the previous section.
- 4.5 It is not our intention in this second interim report to offer RAG ratings in relation to levels of assurance. Rather we will offer some further insights on progress in relation to commitment, strategy, and delivery and related commentary on assurance. These insights remain, of course, partial, and provisional pending our final report. They are intended to be illustrative rather than exhaustive and should not be taken to be a comprehensive summation of everything we have heard.
- 4.6 At this stage, we remain confident of the senior leadership's commitment to the furtherance of equality, diversity, inclusion, and human rights within the service. We believe that commitment has integrity and substance, and our level of confidence is based on several factors including the Chief Constable's statement; the demonstrable commitment within the senior leadership team; and the investment of resources in the development and delivery of the Policing Together strategy and in Learning, Training, and Development.
- 4.7 We also commend the commitment of Police Scotland to community wellbeing and note that the service is leading the way within the UK in placing it on a par with crime and prevention. We are aware that other police services have deprioritised non-crime related matters and, in one instance that we are aware of, decided that they will no longer respond to mental health issues where there is no criminality involved.
- 4.8 We do not believe this is consistent with a clear commitment to equality, diversity, inclusion, and human rights. However, we are aware that realising Police Scotland's continued commitment will depend on meaningful collaboration with other agencies in both the public and third sectors.
- 4.9 We have already discussed the significance of the former Chief Constable's statement. We agree that this demonstrated confidence and maturity on the part of the leadership of the service and a level of openness and transparency which can stand the service in good stead in transforming the culture of Police Scotland. We take confidence from the fact that the statement was widely welcomed within and outwith the service at the level of senior stakeholders while recognising that this was not always mirrored at the grassroots.
- 4.10 While we firmly believe the statement and its reception can be an accelerator for progress, our confidence is tempered by some of what we have heard about the response on the ground within the service and by the qualified response of the Scottish Police Federation. We are concerned about the implications of this for ownership at every level of the service which will be essential to culture change.

Notwithstanding the challenges to the communications strategy and delivery, given the former Chief Constable's previous stated commitment to anti-racism and the leadership's commitment tackling misogyny and discrimination, we are concerned about the level of misunderstanding of the term 'institutional' and the apparent level of resistance to it in some quarters.

- 4.11 The level of resourcing in relation to the development and delivery of the Policing Together strategy gives us confidence of Police Scotland's commitment and, by association, the commitment of the Scottish Police Authority. We are however aware of the financial context and the budgetary pressures on frontline resourcing and recognise the significant challenge that this will present for the foreseeable future. The commitment to Policing Together must not be seen as a luxury or a 'nice to have' in this context but of fundamental significance to effective operational delivery.
- 4.12 In this regard we are aware of discussions regarding the possible merger of responsibility for Policing Together with the Partnerships, Prevention and Community Wellbeing leadership portfolio. Although we fully support the need for clear alignment between the two portfolios and can see a strong rationale for taking such an approach, we are concerned about the possible watering down of the commitment to driving forward Policing Together which could result.
- 4.13 The creation of the dedicated ACC Policing Together portfolio is very recent, and we are aware of the scale of the challenge facing the postholder and his team. We have previously indicated that we would like to see that resource protected and that remains our view. We would therefore urge caution when considering any restructuring and associated resource allocation.
- 4.14 From our discussions with Unite and Unison we have heard a concern that police staff are not always considered in the language of the organisation and the framing of its approach to equality, diversity, inclusion, and human rights. An example of this is that their voice in response to the former Chief Constable's statement has been less prominent.
- 4.15 There are several further factors to consider here. In terms of driving culture change, police staff are regulated by different employment terms and conditions. How Policing Together and EDI & HR is embedded into the work and culture of police staff needs specific consideration. It is clearly not sufficient to focus on Values and Standards work on officers and merely encourage police staff to get on board.
- 4.16 We understand work is in progress to consider greater utilisation of the experience and expertise of police staff to undertake roles and responsibilities not requiring a policing function. We strongly support this development not merely on grounds of cost efficiency but because it recognises the contributions police staff can make and will help to drive an inclusive culture for the whole workforce.

4.17 We have previously noted the need to ensure that the human rights aspect of this agenda is fully integrated into Police Scotland's approach. Independent Human Rights Advisor, Jane Gordon's baseline review of human rights has identified both strengths and weaknesses, pockets of good practice but significant gaps in knowledge and practice. We understand that there is an intention to focus on three priority areas: recruitment, use of force and community engagement.

4.18 We welcome this and believe Police Scotland's commitment to Policing Together will be enhanced by taking forward Jane Gordon's recommendations and allocating resource in an aligned programme of work alongside EDI & HR considerations given the clear read across between the two agendas including practice in relation to Equality and Human Rights Impact Assessments (EQHRIAs).

4.19 As indicated earlier we are aware that the transition from one Chief Constable to another has created a degree of uncertainty about the organisation's commitment to driving forward the Policing Together agenda. This is not a reflection on the either the interim leadership arrangements or the experience and expertise of the new Chief Constable. Rather, it is an inevitable consequence of the hiatus which transition at the top creates, particularly at such a pivotal moment.

4.20 We therefore strongly welcome the statement made by the new Chief Constable, Jo Farrell, on her first day in post, that she agrees with her predecessor's statement, her acknowledgement that it was a difficult message and her determination to drive forward the anti-discrimination agenda within the service. We recognise that one of her first priorities will be to deal with the budget and the impact of a significant deficit. However, we are reassured that taking forward the Policing Together agenda is front and centre of her ambitions. Stability and sustained resources will be critical to effective delivery, albeit this may involve doing this differently rather than doing more things.

4.21 In presenting our first interim report we commended the integrity and substance of Police Scotland's intent and commitment. The Policing Together strategy is itself the core of that substance. We remain confident that the strategy itself is coherent and commend the strong leadership which is being provided by the ACC Policing Together and his team to drive its implementation, though we have some concerns about the slow pace of change getting that team in place.

4.22 Nevertheless we welcome steps taken by the ACC Policing Together to shift the focus to implementation including the decision to revise governance and oversight to ensure a clear focus on strategy, tactics, and operations. We agree that there is a gap in governance between the centre and divisions which results in a lack of congruence, and which requires to be refocused.

4.23 However, we were concerned that the revised implementation plan presented to the Scottish Police Authority Board in August 2023 lacked sufficient rigour in terms of prioritisation, timescales, resource implications and outcome measures. In terms of prioritisation, we welcomed the stated 40% reduction in outcomes but question

whether this was simply the first stage, effectively stripping out duplication and completed projects.

4.24 We are aware that a further iteration of the implementation plan is in development and welcome the focus of the ACC Policing Together on deconflicting, streamlining and aligning the key components of the strategy to ensure effective coordination of work under the Policing Together banner. We are also aware that work is underway to develop a logic model and related measures including a performance dashboard. While we have yet to see these outputs, we believe this is the right approach and look forward to engaging with them.

4.25 We are also aware that there are several other organisational strategies on the horizon including workforce, people and development, wellbeing. This presents a further alignment challenge. We do not question the necessity of these strategies but in offering assurance we will need clarity on how they will support the Policing Together agenda and their impact on the wider service. The draft Learning, Training and Development strategy is an aspect of implementation we are keen to see progress on and seek assurance in relation to its EDI & HR content.

4.26 We note a perception in some quarters within the service that it can be good at writing strategies, but weaker in terms of clarity about the underpinning resource and its applicability in the field. At this stage in our review, we would underline the importance of ensuring that strategies are sufficiently clear to meet the aims and objectives of the organisation and that the corresponding action plans are robust and practical. This means a clear focus on outcome measurement, monitoring and evaluation of planned activity and harnessing sufficient resource. We have also been surprised to learn that some areas of the service, which we would consider to be core to the successful implementation of Policing Together, have previously found it challenging to engage with its development.

4.27 We are in the process of considering the delivery of Professional Standards and Vetting in relation to the Policing Together agenda. We are aware of delivery challenges in both areas including the gaps highlighted by the recent HMICS report on vetting. However, we were reassured by a strong commitment to the delivery of Policing Together in both areas. The publication of misconduct cases has received significant engagement within the service, and we would commend it as a strong example of driving behaviour change in support of the values and standards campaign work.

4.28 We are also in the process of considering the efficacy of Your Leadership Matters (YLM) and the Management Training Programme in relation to Policing Together. We note that there is a strong belief within the service that YLM can be a potential game changer in terms of transforming its leadership culture. While applauding the decision to invest significant resource in leadership development and management, we have heard mixed views about its efficacy, for example the extent to which it will properly equip managers to deal with the various issues they have to deal with on a day-to-day basis.

4.29 In reaching a judgement about what level of assurance we can offer, we will be considering the robustness of its evaluation approach, the level and focus of EDI & HR related content, and the extent to which it is backed up by improving capability in relation to strong and effective people management. These are clearly critical in relation to the effective implementation of Lady (formerly Dame) Angiolini's recommendation regarding frontline resolution.

5. Conclusions and next steps

5.1 We have encountered differing views about the level of strategic alignment, coherence, and prioritisation in the delivery of Policing Together. On the one hand there is a belief that the organisation is on a clear path, and that while there have been derailers, movement is in a positive direction. However, we have also heard concerns that the organisation is still at the storming and forming stage and that it still lacks a clear plan.

5.2 We agree that there is a collective commitment across the leadership of the service. As we consider what level of assurance we are able to provide in our final report, we will be looking for evidence that that commitment is supported by a shared understanding of an agreed set of priorities, a clear roadmap and a focused set of data and evidence to support this.

5.3 That shared understanding is not merely about consensus within the senior leadership team though that is critical, it is also about a consensus at different levels of the organisation. While the centre has a key role to play in setting the tone and ensuring effective coordination, ultimately the operationalisation of strategy will happen at a divisional and local level.

5.4 At present there appears to be frustration at both the centre and at divisional level. On the one hand there is a concern that the weight of expectation falls disproportionately on the centre, and that change cannot be delivered by simply telling people what to do. On the other there appears to be a lack of clarity about what the centre is offering to support delivery at divisional and local level, for example analytic capability.

5.5 We are also aware that there is much excellent work happening on the ground and that delivery does not always have to be led from the centre. We are aware for example of work in the East on neuro diversity and in the West on race. While recognising that project to scale is not always possible, the centre has an important enabling role, for example by providing analysis, guidance, and implementation tools. There is a need to get the balance right between top down (co-ordination, prioritisation, analysis, and guidance) and bottom up (practical implementation).

5.6 We would add a final word of caution in relation to the focus of the strategy and its delivery. While the emphasis on promoting equality, diversity, inclusion, and human rights is appropriate and welcome, it is vital that the service does not lose sight of the importance of tackling discrimination whenever and wherever it occurs. The high-level focus has understandably been on racism and misogyny but its

commitment to tackling all forms of discrimination including homophobia, ableism and ageism must be embedded in operational practice.

5.7 We are grateful for the continued support of Police Scotland in enabling us to carry out this work, including the invaluable ongoing support of the EDI secretariat. We will now turn to the preparation of our final report which will be delivered in the new year and presented to the Scottish Police Authority in February 2024. That process will include further engagement with members of the senior leadership team in January to stress test our conclusions.

Annex 1 Independent Review Group Reporting Framework

Judgement 1 – Overall level of assurance		
Commitment	Strategy	Implementation
Green Amber Red	Green Amber Red	Green Amber Red
Judgement 2 – Police Scotland's ability to achieve progress		
Poor	Uncertain	Promising
Underpinning rationale for judgements 1 and 2 – proxy themes		
Governance and oversight Dealing with complaints and grievances Role of middle/people management Policies and practice Training and development Recruitment, retention, and promotion Vetting		
Sustainability		
Drivers for change Barriers to overcome		
Look ahead		
What might good look like in 10 years' time? What steps will Police Scotland need to take in the next 1 to 3 years to make progress?		