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25 February 2019

Dear Convener,

**INDEPENDENT REVIEW OF THE IMPACT OF POLICING ON AFFECTED
COMMUNITIES IN SCOTLAND DURING THE PERIOD OF THE MINERS' STRIKE FROM
MARCH 1984 TO MARCH 1985.**

I am pleased to enclose for the Committee's information a copy of the Independent Review Group's interim report on the impact of policing on affected communities in Scotland during the period of the miners' strike from March 1984 to March 1985.

As you will know, on 7 June 2018 the then Cabinet Secretary for Justice made a statement to the Scottish Parliament confirming the establishment of an Independent Review with the remit to investigate and report on the impact of policing on affected communities in Scotland during the period of the miners' strike from March 1984- March 1985. The review is being led by John Scott QC Solicitor Advocate.

The Review Group is completed by an advisory panel comprising Jim Murdoch (Professor of Public Law at Glasgow University), Kate Thomson (former Assistant Chief Constable) and Dennis Canavan (former MP and MSP).

It was agreed that the Review Group would submit an interim report in early 2019 to confirm progress with engagement, evidence-gathering and consideration of the issues. I am enclosing a copy of that report.

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The Review Group's work began last summer and has included a review of the publicly-available files held at the National Records of Scotland and the National Archives in London. More importantly, the review has been gathering evidence from those directly affected by, or having knowledge of, the dispute. In particular, the National Union of Mineworkers (NUM) in Scotland and the Retired Police Officers Association Scotland (RPOAS), who the Review Group identified as key bodies and with whom early engagement was secured. They have made useful contributions to assist the work of the Review.

I am extremely grateful to the Review Group for all their work to date, and in particular would like to recognise the generous contributions made by individuals and organisations who have attended meetings and responded to the call for evidence.

In light of the extent of this evidence, John Scott has asked that the Review Group be given a little longer than originally intended to examine this. I have agreed to this request. A final report, setting out what has been learnt and making recommendations for any other action required, will follow at the end of the summer and be made publicly available.

I hope this update is helpful, and I will keep the Committee informed as this work progresses.

A copy of this letter has been sent to John Finnie, Convener of the Justice Sub-Committee on Policing.

Best wishes,
H. Yousef
HUMZA YOUSAF

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Edinburgh 29 January 2019

Dear Cabinet Secretary,

**INDEPENDENT REVIEW – IMPACT ON COMMUNITIES OF THE
POLICING OF THE MINERS’ STRIKE 1984/85**

When this review was established, I agreed that I would submit an interim report in January 2019 to provide an update on progress ahead of the proposed final report which is due to be submitted in June 2019. This is the interim report.

Along with my colleagues on the Advisory Panel and our secretariat, we have had several meetings since the start of our work. At the outset, we decided to have a Call for Evidence to try to obtain evidence of direct relevance to our Terms of Reference. There is much material available on the 1984/85 Strike, and we are able to consider the publicly available records of relevance to our review, but not much of that looks specifically at the impact on community relations of the policing of the strike. We recognised that there are key individuals and representative organisations with whom we should engage to assist us in ensuring that our Call for Evidence was pro-active. In particular, the National Union of Mineworkers (NUM) in Scotland and Retired Police Officers Association Scotland (RPOAS) were identified as key bodies and I made early contact with the President of each, respectively Nicky Wilson and Jim McBrierty. Both have allowed me to maintain contact throughout the period of the review so far and have made useful suggestions to assist our work as well as circulating our Call for Evidence, publicising our public meetings and co-ordinating official responses on behalf of their members.

Having also identified the need to go out into communities to help us to understand the impact of policing on communities, we agreed to



Speak with those representing miners to identify suitable locations for such meetings. Initially, we thought that we might hold 4 public meetings, but it became clear to us that it would be better to increase the number of meetings to reach more individuals across the country who had relevant evidence to offer. After consultation with Nicky Wilson and discussion with Neil Findlay MSP, who has maintained a strong interest in this issue at the Scottish Parliament and in the media, we arranged public meetings in the following 8 locations:

Alloa Town Hall October 9; Cumnock Town Hall November 13; Lochgelly Centre November 20; National Mining Museum (Newtongrange) November 21; Fauldhouse Miners' Welfare Society November 27, Oakley Community Association and Social Club November 28; Fallin Miners' Welfare Society and Social Club December 5; and Auchengeich Miners' Club December 6.

Meetings were held at 1800 hours, again on the advice of Nicky Wilson, on the basis that many individuals with relevant evidence would still be in employment and therefore better able to attend meetings after work. Meetings generally lasted for three hours, allowing everyone who wished to speak to be heard. Attendance at some meetings was quite small but, at those meetings, we were able to have more in-depth discussion with those who attended. In total, 167 people attended the meetings. We are extremely grateful to those who attended and shared their experience and views with us. We heard powerful and moving testimony from individuals and their families who had been very badly affected by the strike, especially those who were arrested, charged, prosecuted, convicted and sentenced. Some were remanded in custody, especially if they were already on bail for similar allegations connected to the strike. Most were simply fined. Some were acquitted. Many lost their jobs, with their employers appearing to take a policy decision to dismiss regardless of the gravity of the allegation or the penalty imposed. Some of these men secured employment elsewhere, sometimes quickly but sometimes only after years. Some, especially because of



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having to declare their conviction, were unable to find other jobs. For some individuals and their families, the lasting damage was obvious. The meetings confirmed that, as a result, strong feelings persist on the subject of the 1984/85 strike and its policing. At these meetings, perhaps unsurprisingly, very few speakers identified themselves as retired police officers although two speakers did so, and their contributions assisted in addressing some of the issues which recurred as themes at all of the meetings.

It is worth noting that at all of our meetings, speakers were generally keen to acknowledge their appreciation that the Scottish Government had set up this review. While many wanted more, in particular those who continue to campaign for a full public inquiry at UK level, and some queried the limits of our Terms of Reference, those who spoke said that they were glad to be heard and listened to, for what seemed to many to be the first time.

We wish to record our gratitude to Nicky Wilson who helped us to identify the best locations for our public meetings, attended and spoke at each one, encouraged his members to respond to the Call for Evidence and himself assisted in collating the official response to the Call for Evidence on behalf of NUM Scotland. He was assisted in collating the official NUM Scotland response by Bruce Shields of Thompsons Solicitors. Bruce also attended most of the public meetings. Neil Findlay MSP has publicised and assisted in our work and also attended the public meeting in West Lothian which he suggested.

On the policing front, we have had considerable assistance from RPOAS. RPOAS President, Jim McBrierty has met with me on several occasions and encouraged his members to contribute to our Call for Evidence. He also collated an official response to the Call for Evidence which was submitted on behalf of the RPOAS. That response included the submissions of several individuals who had been involved in the policing of the strike. Assisted by Jim McBrierty and Tom Wood, former Deputy Chief Constable of Lothian and Borders, we have had



useful meetings with retired senior officers who were directly involved in key aspects of the policing of the strike. We are extremely grateful to the various retired officers who have contributed so far.

We have been conscious of the fact that the public meetings in mining communities were not necessarily conducive for retired police officers to share their experience and recollections but were keen to try to have some further face-to-face meetings with retired officers, especially given the value in that aspect of the public meetings in mining communities which allowed us to appreciate the strength of feeling and some of the subtlety of impacts and impressions not always captured in written submissions. Mindful of this, we spoke to Jim McBrierty who has arranged a further meeting with retired officers which should take place in February. We are grateful to Jim McBrierty and Tom Wood for their assistance in co-ordinating these various matters for us on the policing front and wish to record our appreciation of their help.

All of this is in addition to the work of the Advisory Panel members who have each contributed significantly in our work to date.

Subject to specific queries which arise from our detailed consideration of the evidence, that meeting should conclude the formal evidence-taking aspect of the Review. If there are specific queries, we are satisfied that we have good lines of communication with relevant parties which will allow us to obtain answers. There are also some individuals previously identified with whom we hope to speak. As things stand at the moment, however, we do not propose to hold any more public meetings.

In addition to those I have mentioned already, I also wish to mention Professor Jim Phillips of Glasgow University who has met with our group, attended one of the public meetings and remained available as a source of considerable knowledge about all aspects of the strike. We have benefitted greatly from his undoubted expertise in this area.



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Our Call for Evidence generated 108 responses, including the more lengthy official responses from the RPOAS and NUM Scotland. We are grateful to all of those who took the time to respond.

Secretariat colleagues have attended at the National Archive in London and National Records in Scotland to ensure that we are aware of the relatively small number of directly relevant official records. These records are helpful with issues of context.

An invitation to tender has been arranged by the Scottish Government to assist us with analysis of the 108 responses and our notes of the public meetings. It is hoped that this will result in a detailed analysis in spring 2019. It is contemplated that this analysis will be published, along with those submissions for which appropriate permission has been given, at the same time as our final report is published. This will be at some point following its submission to you. We will also publish a list of all other material which we have considered, for example, official Government records, books, academic papers, media reports, etc.

In view of the amount of evidence, it seems to me that the process of writing and revising the final report, with the assistance of Advisory Panel colleagues and the secretariat, will take several weeks if not months. It is crucial that we make the most of the important evidence which has been offered to help us to identify conclusions, recommendations and possible lessons for the future. As yet, we have reached no conclusions although certain key themes have emerged. The analysis of the evidence will be guided by a summary of some of these. Some of what we have heard relates only in part to the impact of policing on communities. Many of those who were arrested and charged were taken to court. Obviously, that meant the involvement of other aspects of the criminal justice system. We have always been clear about the limits of our Terms of Reference but, in order to address the impact of policing on communities, it will be necessary to



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acknowledge that the impact for some was not simply, or necessarily, a direct result of the policing of the strike.

In the circumstances, it seems to me that, in order to do justice to the considerable evidence which has been submitted to the Review, it would be better to take a little longer to produce the final report. I had agreed to produce the final report in June 2019 but ask that you consider extending the time for submission to the end of August so that it is available for you at the start of the new Parliamentary term after the summer recess. In making this request, I confirm that I bear in mind the excellent recommendations for a review like this to be found in the report by Professor Alison Britton ("An Investigative Review into the process of establishing, managing and supporting Independent Reviews in Scotland"). We will continue to be informed by her recommendations as we evaluate the evidence and prepare our final report.

Yours sincerely