



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Thursday 26 October 2017

Session 5



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JUSTICE SUB-COMMITTEE ON POLICING
16th Meeting 2017, Session 5

CONVENER

*Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

- *John Finnie (Highlands and Islands) (Green)
- *Rona Mackay (Strathkelvin and Bearsden) (SNP)
- *Ben Macpherson (Edinburgh Northern and Leith) (SNP)
- *Liam McArthur (Orkney Islands) (LD)
- *Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Sergeant Scott Kennedy (Police Scotland)
- Chief Superintendent John McKenzie (Police Scotland)
- Graham O'Neill (Scottish Refugee Council)
- Angela Voulgari (Sacro)
- Carol Young (Coalition for Racial Equality and Rights)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament
Justice Sub-Committee on
Policing

Thursday 26 October 2017

[The Convener opened the meeting at 13:01]

Decision on Taking Business in
Private

The Convener (Mary Fee): Good afternoon, everyone, and welcome to the 16th meeting in 2017 of the Justice Sub-Committee on Policing. Apologies have been received from Margaret Mitchell.

Agenda item 1 is a decision on taking business in private. Does the committee agree to take in private item 3, which is consideration of our future work programme?

Members *indicated agreement.*

Police Scotland
(Engagement with Black and
Minority Ethnic Communities)

13:02

The Convener: Our next item of business is a round-table evidence session on Police Scotland's engagement with black and minority ethnic communities. We will consider the approaches that are taken and any challenges and successes.

I welcome all our witnesses to the meeting. It might be helpful for us to start by introducing ourselves around the table; I will then cover the main substance of the meeting. I am the convener of the committee.

Sergeant Scott Kennedy (Police Scotland): Good afternoon. I am a sergeant in the prevention, interventions and partnership department in the Edinburgh division of Police Scotland.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am the MSP for Strathkelvin and Bearsden.

Chief Superintendent John McKenzie (Police Scotland): Good afternoon. I am chief superintendent for safer communities, which is the area that holds the equality and diversity portfolio.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I am the member of the Scottish Parliament for Banffshire and Buchan Coast.

Angela Voulgari (Sacro): Good afternoon. I am the service team leader for the bright choices service in Sacro.

Liam McArthur (Orkney Islands) (LD): I am the MSP for the Orkney Islands.

Graham O'Neill (Scottish Refugee Council): I am a policy officer at the Scottish Refugee Council.

John Finnie (Highlands and Islands) (Green): Good afternoon. I am an MSP for the Highlands and Islands.

Carol Young (Coalition for Racial Equality and Rights): I am a senior policy officer at the Coalition for Racial Equality and Rights.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Good afternoon. I am the member of the Scottish Parliament for Edinburgh Northern and Leith.

The Convener: I thank you all very much.

I always find that round-table evidence sessions allow a better flow of conversation. Members know the routine. If any of the witnesses wants to speak, they should catch my eye or the eye of one of our

clerks—Diane Barr or Gael Scott—and we will ensure that they contribute.

I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper.

I ask our witnesses for their general comments on engagement with the BME community. I am particularly keen to hear Police Scotland's view initially. What initiatives have been undertaken? Are there any particular challenges among the BME community, whether with particular individuals in that community or geographically? I do not like to directly point the finger at people, but I ask Scott Kennedy to kick off.

Sergeant Kennedy: In our department, we have the equality and diversity portfolio for the Edinburgh division. A big part of that work is to do with hate crime and community engagement. We have a co-ordination role in making sure that we engage as well, as effectively and with as many communities as we can in the city of Edinburgh, and we link in with colleagues in the national division who co-ordinate that work around Scotland. Our department is passionate about what we do and we are fortunate in having a dedicated resource for carrying out engagement across the city.

However, there are always barriers to that work. As we know, there are a number of emerging communities and it is important for us to stay on top of that. It is also important that we work with the local authority and with third sector representation to identify those groups and make introductions and, thereafter, for us to meet the groups and provide our service as best we can.

I can talk about a number of examples of what we do, from higher-level consular corps events—

The Convener: That perhaps will get picked up later on, but we have a number of questions from members. Does John McKenzie want to add anything to that?

Chief Superintendent McKenzie: Scott Kennedy has talked about community engagement at a local level. I have a national portfolio and I am tasked with ensuring that, as best we can, we have a consistent approach to engagement with local and national partners.

There are a number of factors to that. The convener asked about challenges, and members will be aware that Police Scotland is going through a process of positive action in recruitment so the work on engagement is significant and important in ensuring that we have a representative workforce. We are working hard on that; it will be a long journey—it will probably take about 10 years—but we have made a start.

There are challenges in ensuring that we engage with emerging communities and with

communities within communities. There is also the challenge of ensuring that we work closely with communities to provide reassurance when critical incidents occur around the world; we have a process for community reassurance to address such issues, which will be teased out in the next hour or so, I am sure.

The Convener: That is helpful. Do any other panel members have a brief contribution to make at this point, or would you prefer the discussion to be opened up a bit more?

Ben Macpherson: I have a question on that for Sergeant Kennedy.

I am the MSP for Edinburgh North and Leith, which is one of the most diverse parts of the city, and I have seen your teams engaging at the gurdwara, the mosque and other institutions, as you said. A lot of the time, that engagement is at specific cultural and religious festivals to ensure that Police Scotland has a presence, I presume, as well as to do wider engagement. How important is it to be at those special events, as well as to ensure that there is on-going dialogue with different communities and that, for example, community cops create relationships with those communities?

Sergeant Kennedy: Getting that balance is important for us. At times, the difficulty is knowing who is the representative of a particular community, so we might speak to board members. However, as you said, it is about getting right into the community to get a feel on the ground for what is going on. Some of the staff in my department go along to the big events, but we also have a role in co-ordinating the single points of contact, who are locally based officers around the city with an ability to meet the communities on a more ad hoc basis.

We do engagement at things such as conversation cafes, which are different from the planned events where we meet organisers or senior community members. It is about trying to get in at that other level. The balance is difficult at times, because there are always people who want to step forward to be the liaison between the police and the community. However, we are conscious of that and initiatives such as the conversation cafes, or dropping into places when there is a rare bit of downtime, are as important as going to the planned events. We are aware of that and try hard to tackle it.

John Finnie: On that point, it is important to commend the work that Police Scotland does with all communities and, in particular, BME communities. Sometimes a picture of an officer at an event at a gurdwara or a mosque is very compelling but, if I can discuss the other side, another picture that is in people's minds when they associate the police with black and minority ethnic

issues is dawn raids. I would like to bring in Graham O'Neill on that, as he alludes to the issue in his written evidence. I ask him to talk about that relationship and about the impact of the work that Police Scotland does with the United Kingdom immigration authorities.

Graham O'Neill: Before I come to the helpful point that John Finnie has raised, I put on the record the Scottish Refugee Council's view that some great work is being done in Scotland, particularly through community policing approaches. That includes in Glasgow, where there is, and has been for a generation, a substantial asylum-seeking population.

In our written evidence, we mention the work of Dario D'Andrea. That is merited given the trust and confidence that he and the people behind him have put in to build up relationships of trust with a group of people who have significant trust issues because they have been forcibly displaced. As we say at the beginning of our written evidence, that has often been because of abuse by state authorities, or their abuse and persecution has been condoned by state authorities. I emphasise that Police Scotland has done some really good work, especially through community policing.

On the point that John Finnie raised, we in the Scottish Refugee Council and the wider refugee rights sector in Scotland believe that there is a need for greater clarity about the relationship between, on the one hand, the Home Office immigration compliance and enforcement teams and, on the other, Scottish public authorities in general, but particularly Police Scotland. The fundamental interest of the Home Office is about immigration control, and it is a reserved organisation, whereas Police Scotland has fundamental interests in a number of things including public consent and confidence, the ability to protect the public and, therefore, having the information and intelligence that it needs in order to get at crime—especially, although not only, organised crime, because we know that that renders communities less safe through multiple criminal activities.

We believe that that confidence is a precious thing, and I know that colleagues in Police Scotland believe exactly the same thing. We know that from speaking with them in the new Scots refugee integration framework. However, we also know about the publicity that can exist around what are called dawn raids, which are technically Home Office enforced removals.

There is a need for greater public clarity about the relationship. We found some information about the risk assessment process and the specific grounds on which Police Scotland will be asked by the Home Office immigration compliance and enforcement team to be at an enforced removal

from a residential property, but there is something really important about understanding of that being brought out more broadly among refugee communities, migrant communities and the wider public. It is in Police Scotland's best interests that that happens, for the reasons that I mentioned to do with public consent and confidence.

I am glad that John Finnie raised the issue. We included it in our written submission because, although we know that it is a sensitive area, we believe that having a clearer public understanding will make it less sensitive in the impact that it has on one of our key devolved public institutions, namely Police Scotland.

The Convener: Stewart Stevenson has a brief supplementary question but, before I bring him and then John McKenzie in—if he wants to respond to the comments that have been made—I add that, last week, I visited the women's asylum-seeker housing in Glasgow. You will know that Glasgow is a dispersal centre. While I was there, I heard some quite concerning anecdotal evidence from male individuals in the night shelter in Glasgow. They are put out of the night shelter at 8 am and they are not allowed back in until 8 o'clock at night, so we have a group of individuals who need somewhere to spend their day. Some of them go to a library, but a lot of them just spend their day walking around and trying to find a safe and warm place to stay.

I heard some quite distressing examples of the way in which the police treat some of those individuals. Some of them have mental health problems and other issues. A lot of their mental health problems come from the treatment that they received in their country of origin, and I was concerned by the unsympathetic treatment by some officers of some individuals. I would be grateful if you could comment on that in responding to both John Finnie and Graham O'Neill. Before you do that, however, I will bring in Stewart Stevenson.

13:15

Stewart Stevenson: My question is a simple mechanical one, and it is for John McKenzie. When it comes to the responsibility for minority ethnic communities, is the boundary drawn in such a way as to include people who might be differentiated less on the basis of ethnicity and more on the basis of nationality and language? I ask that in the context of my constituency, to which thousands of people come from other countries, some to settle and some to work on a transient basis in fish factories, agriculture and so forth. In many cases, English is not their first language, and they often speak no English.

Does that fall within your area of responsibility? It is not primarily an ethnic differentiation, although it is related to that. If that falls within your area of responsibility, what special provisions are made to educate people about our legal system? For example, it is well understood that there are many cars from eastern European countries running around the north-east of Scotland that do not have insurance, because their owners do not necessarily realise that they have to be insured.

The Convener: There was quite a lot in that, but I would be grateful if you could try to respond.

Chief Superintendent McKenzie: I will deal with Mr Stevenson's question first. He asked whether the wider issue of nationality falls under the definition of BME. Yes, it does, so it falls under not just my responsibility but the responsibility of everybody in Police Scotland. The position is that we are here to serve all communities in Scotland.

Mr Stevenson also asked whether there are organisations that support people who come to Scotland through the provision of education, support and information. There are a number of good examples. In Glasgow, there is a group called Uniting Nations in Scotland, which, along with partners in the Crown Office, produced a booklet to provide assistance. There are a number of other examples. Hemat Gryffe Women's Aid provides legal advice and assistance with regard to honour-based violence, but the provision of such support is probably quite sporadic around the country.

I turn to what the convener said about the experience of some asylum seekers in Glasgow. I am always really disappointed when I hear any examples of members of the Scottish community who have received poor treatment from Police Scotland. We do not always get it right, but we get it right the vast majority of the time. I base that assertion on a number of things, including customer satisfaction surveys and figures that are provided in Scottish Government reports, which show a high level of confidence in the police.

However, there will be times when officers do not get it right, which is why Scott Kennedy's point is well made. The purpose of the engagement is to ensure that people have the confidence to raise such issues with us so that we can develop and improve and, ultimately, can ensure that the service that is provided by officers is the best that we can make it. We need to educate any officers who are involved in such behaviour or deal with it through another process.

My view is that we will always get examples of poor treatment, but when customer satisfaction sits at 90 per cent and there is a high level of confidence in the police, we can say that the vast

majority of people appear to get a service that they approve of.

The point that Graham O'Neill made is extremely valid—it comes down to confidence and consent. We would probably make the same points. Members of communities do not distinguish the Home Office from the police service—they see them both as public bodies. Graham O'Neill mentioned dawn raids. The Home Office has primacy over that activity. There is a risk assessment process, which we are sighted on. That does not mean that we are involved in the activity, but if the risk assessment is such that we become involved because we believe that there might be wider community-based issues, our involvement will be based on an assessment within local policing.

Graham O'Neill's point is well made: there should be greater clarity in the public domain. That is difficult to achieve, but it is certainly needed. Scott Kennedy's work with the wider local teams has been discussed. That confidence within communities across Scotland can be somewhat harmed by the activity of other public bodies. I am not saying that that is the case all the time but, on occasion, that is the experience.

Angela Voulgari: There are quite a few points going around the room at the moment. The key issue on which I want to comment, which Graham O'Neill has touched on, is trust in the police.

Sacro works closely with the police. Through the bright choices service, we support ethnic minority communities in Edinburgh and act as a bridge between the authorities and vulnerable communities. More specifically, we work with vulnerable individuals in those communities, including children, and women who have experienced different abuse, such as honour-based violence, forced marriage and female genital mutilation.

Some of the best examples of good practice from people using the bright choices service come from when an officer attending a scene approaches the matter from a human perspective and not from a police perspective. Based on what our service users said, taking that human approach broke down all the barriers for them right there and then. That is not just about handling the practical issues, such as offering interpretation, but about approaching someone as a person in their own right with individual needs, rather than approaching them as a BME person or a woman—and for that approach to take precedence when investigating whatever incident was called in.

On engagement with BME communities, an issue that comes back to us quite a lot is the selection of people from the community who engage with the police. We often find that those

are community leaders—they do not do this willingly or maliciously—who do not represent the entire community. Therefore, the views of women, children, people with disabilities and people who identify as lesbian, gay, bisexual and transgender are practically invisible in a lot of the communities that we work with.

We recently engaged extensively with the police force in Edinburgh and the police college. We found that, moving up the ranks, the police have a tremendous amount of knowledge, wisdom and skill, and a deep understanding of what some of the issues that communities face are. However, when we are talking about newly trained people responding to incidents in the streets or in someone's home, some of those skills are more diluted. There is a need to emphasise that equality and diversity should not be a one-stop training event; rather, it must underpin all training that is provided to Police Scotland and be part of absolutely every process, policy, procedure and practice.

John Finnie: I have a wee point relating to what Chief Superintendent McKenzie said about risk assessment. Is there a protocol on—to give them their common name—dawn raids that you can share with the committee?

Chief Superintendent McKenzie: I can certainly provide a written submission on the existing protocol on risk assessment if that would be useful for the committee.

John Finnie: Thank you.

We have heard from Police Scotland about community impact assessments. Are those one and the same thing or are they complementary assessments? The issue, which I raised previously, is that an impact might be about the reputational damage when enforced removals—if that is the technical term; I cannot quite remember—take place, because the agencies often store vehicles at police stations.

Chief Superintendent McKenzie: There might be occasions when vehicles are stored at stations, but certainly not at all stations.

John Finnie: No—I did not mean that they were. Any information of that nature that you could share would be appreciated.

Chief Superintendent McKenzie: I will write to the sub-committee to share the protocol that exists on the subject.

The Convener: That would be helpful.

The Police Scotland submission says that there is a lack of

“suitably qualified trainers to facilitate Diversity Awareness inputs.”

Has any headway been made on that?

Chief Superintendent McKenzie: If I may, I will expand on one small point before I go on to that. We have highlighted a number of training activities that are undertaken, but the point that was made is valid. Training should not be seen as initial training at the point of entry to the organisation; it should be seen as continuous professional development, and that is what we aim to achieve. In our submission, we talk about an electronic module to allow that to take place. That will be developed. There is a hate crime review on-going, which I hope will inform our progress on that. However, that is certainly the aim.

As you say, our submission mentions diversity trainers. That relates to a train the trainers course. As we have highlighted, work is on-going to roll out a bespoke train the trainers course. Again, we can feed back to the committee on where we are on that.

The Convener: That would be helpful—thank you.

Liam McArthur: I want to move on to the issue of stop and search, on which there has been a degree of publicity. There has been controversy around the extent and the nature of stop and search and the circumstances of those who are affected by it. What are our guests' views on the impact of that on the BME community? Does that controversy remain? Do some parts of the BME community feel more strongly about the issue than others?

There have been developments, not least the new code of practice that Police Scotland adopted earlier this year. Is there an awareness in the BME community generally about that code of practice and the way that it is supposed to operate? Is there an awareness of people's rights in relation to stop and search powers and of how the powers are exercised? I am not sure who specifically to direct that to.

Carol Young: We have done a lot of work on stop and search over the years. Part of the problem in Scotland is that the data gathering has not been as good as it could have been, which makes it difficult to establish whether there are disparities. Clear disparities can be seen in London and other large urban areas in England. There appears to be a disparity for African and Arab communities in some parts of Scotland but, because the data collection has been so poor, we cannot say with any certainty whether that is accurate. We have made recommendations to Police Scotland about ways to improve that.

We tend to think that the introduction of the new code of practice and the ending of non-statutory stop and search could go a long way towards addressing the issues. However, we have done

some work on the code of practice that involved speaking to communities about their feelings on stop and search and whether it affects them. People in specific groups felt that they are affected, particularly—members will not be surprised to hear this—young men in minority ethnic communities. However, most of the rest of the people we spoke to were more concerned about transport stops by traffic police—there is a perceived racial disparity in who is being stopped and for what. We are keen to see significant improvements in data collection and a return to the publication of data at local authority level so that we can ensure that information is available to the police to allow them to reflect on practice.

Liam McArthur: Is the data protection issue a reflection of the extent to which non-statutory stop and search has been used, with information not being gathered as it is south of the border, or is another issue at play that might be picked up through the new code of practice?

13:30

Carol Young: With non-statutory stop and search, there would be likely to be an impact on any racial disparity that existed, as it is easier to stop someone without a reason—I was coming at it more from that point of view.

The data collection problems are not connected to non-statutory stop and search, but are more about a lack of understanding about how to accurately record information about ethnicity and the need to ensure that it is recorded in every case.

Chief Superintendent McKenzie: Carol Young has made a number of points. She highlighted the engagement that Police Scotland has had with partners such as CRER. Through our reference group, we have engaged with numerous agencies with regard to stop and search, and we are all aware that it has been subject to significant scrutiny recently. The code of practice was introduced in May 2017. However, as a result of the code of practice, the statutory numbers are now the primary numbers. Those have been published since June or July of this year and any member of the public can see how many searches have been undertaken across gender, age and ethnicity—that information is public.

Under safer communities, we have a unit that monitors stop and search to see whether there are any trends. We share that monitoring with partners through the reference group; there might be improvements that we can make to the breakdown, but that breakdown of figures exists publicly. In an article on the subject of stop and search in July, we highlighted that, if the information that is provided publicly is not

sufficient, we would be interested in engaging with partners to discuss what else is required.

We are fully aware of the potential impact of stop and search, which is why we monitor trends and why the information is available nationally and fed into local scrutiny boards at the local authority level.

Liam McArthur: I assume that Carol Young's point about specific issues on stop and search and traffic incidents is not to do with the British Transport Police, but with the policing of road traffic. Is that a trend that you have picked up?

Chief Superintendent McKenzie: No, and I am more than happy to discuss that with Carol Young after the meeting. I will take it away and feed back to CRER.

Graham O'Neill: I will continue the theme that John Finnie's question helpfully raised about the relationship between Police Scotland's work on public confidence and the Home Office's approach to immigration compliance and enforcement. Home Office immigration officers have powers in relation to immigration offences. Some of those are criminal offences, while others are not. We know from recent data that those immigration officers have been active in different parts of the UK, as normal, identifying—on the basis of what we think is often not safe intelligence—commercial establishments where there are individuals whom they perceive to be potential immigration offenders. Glasgow was an area where there was significant activity; that caused us great concern, and I am sure that it caused colleagues in Police Scotland and others a great deal of concern too. Those activities throughout the country, in cities and towns, have serious impacts and can undermine the good work that is being done. It is not just me who is saying that that the intelligence is often unsafe; the Independent Chief Inspector of Borders and Immigration and the Equality and Human Rights Commission have also said it.

I want to put it on the record again that, as part of the UK Government's consciously and publicly hostile environment policy, the approach is having increasing impacts on the Scottish public sector and Scottish communities. I say "increasing impacts" because, as we said in our written evidence, through legislation and contracts with various organisations, the Home Office's reach in asking non-immigration actors to do immigration checks is increasing. We are aware that there is some activity in relation to Home Office immigration compliance and enforcement in Edinburgh in identifying people who are rough sleeping, which may be having an impact. We do not know exactly what is happening. Are people being subject to removal processes or, as we would hope, are they being identified within protection pathways? For example, there may be

indicators of exploitation, and there are probably mental health indicators, given the profile of street homeless populations that we know about.

There is a wider public policy issue for Scotland around what its public sector will do in relation to the UK Government's hostile environment policy precisely because the nature and mechanisms of that policy involve working through Scottish public authorities as well as, potentially, some Scottish non-governmental organisations in relation to health and homelessness.

The Parliament and the committee need to consider giving attention to the matter, because it could have damaging impacts on precisely the issues that we are talking about, to do with the importance of public confidence and public consent and some of our key devolved institutions, such as Police Scotland.

The Convener: It was very helpful to get that on the record. It echoes what I heard last week about the degree of harassment and the hostile way in which individuals are treated. There seems to be an almost escalating scale of harassment, which is quite concerning.

Stewart Stevenson: Do we have any sense of who the sources are of what turns out to be unsafe intelligence? The answer to that question might be no, but I ask it in the context of having had specific exposure in my area to commercial operators that have used reports about the employment of unauthorised people in a rival business as a disruptor, for example—in other words, for purposes that are quite separate from legitimate purposes. Do we have any statistical or broader understanding of the sources of unsafe intelligence?

Graham O'Neill: That is a pertinent question. The Independent Chief Inspector of Borders and Immigration has done reports on how immigration enforcement functions have been conducted by the Home Office. A big source—there are statistics for this, and quantitative analysis has been done—is people who call a helpline and provide information. Maybe they will say that such and such a restaurant employs people who do not have a right to be here. However, we are not aware that there is published information that gets underneath who the sources are, or how robust the intelligence is.

Stewart Stevenson: That is fine. Thank you.

The Convener: Is there anything else that Liam McArthur wants to ask about stop and search, or is he happy for us to move on?

Liam McArthur: The other questions that I was going to ask were picked up in the responses.

The Convener: We will move on to recruitment.

Rona Mackay: John McKenzie briefly referred to recruitment. In its submission, the figure cited by the Coalition for Racial Equality and Rights for police officers, police staff and special constables who have a BME background is 1 per cent. In September this year, the Scottish Government gave a figure of 10 per cent. There is a bit of a disconnect there. Either way, the figure is low. Is enough being done to attract BME recruits? Why are more people not attracted to go into the police?

Carol Young: I believe that the 10 per cent refers to 10 per cent of new recruits in the most recent year. We are not saying that the proportion of minority ethnic police officers is going up by 10 per cent; the figure relates only to the new batch of recruits. Only half of those people are from the visible minority ethnic communities, in which we see perhaps the greatest degree of disengagement with police.

There is a lot of work to be done and a lot of work that has been done. There has been a lot of investment by Police Scotland to get people through positive action schemes. I believe that 12 of the recent new recruits—I do not know whether I am right about that—came through positive action schemes. We fully support that type of action, which is essential.

However, the issue will take a while to address. Police Scotland is already aware of the things that we talked about in our written submission. None of this is new; the debate has been going on for a decade or more. There have been bursts of activity from Police Scotland over that time and, before Police Scotland was established, from the regional forces to try to address that lack of representation in the police force.

Part of the problem is that we do not have enough information from evaluation to see what works and what does not. We do not have enough information about the reasons why minority ethnic police officers leave the force.

Rona Mackay: My next question was going to be about retention.

Carol Young: We do not have enough information about the push and pull factors behind recruitment and retention issues.

Rona Mackay: Do you have an optimum figure or an ideal percentage?

Carol Young: Ideally, we would want the percentage of minority ethnic police officers to match the percentage of minority ethnic people in the population. It is not just a numbers game, though. Looking at percentages is certainly a way to measure boosting representation, but for us the issue is more about the qualitative impact that a more representative police force would have on

facilitating engagement and confidence, and on making people feel that the police force represents them and that they can see themselves within it. That sense of representation is bound up with wider issues of community engagement and the way that people feel empowered to use police services.

Angela Voulgari: I want to highlight something that we see repeatedly in the structures of ethnic minority communities. Especially among people who are newly arrived in Scotland, there is a very strong feeling that the police are not to be trusted. We have gone back to that again and again. Many will bring experiences of being tortured by police in their home countries. Others—including me; I thought this when I first arrived in Scotland—have the opinion that unless it is life or death, one should never speak to the police. Those attitudes are out there among people coming from European countries.

How do we address that? Police Scotland has been doing something that has been very helpful to Sacro. It has been embedding in communities a worker from those communities to do the active linking between vulnerable people, organisations and Police Scotland. It is a new way of engaging with communities that might be more effective. It will be slower, but it seems to be making people a lot more aware of what the police are there for.

Rona Mackay: Does John McKenzie have any comments?

Chief Superintendent McKenzie: The historical position that CRER highlighted is factually correct. One per cent of Police Scotland's workforce is not an acceptable percentage. Police Scotland has heard that.

The term "burst of activity" was used. This is not a burst of activity that Police Scotland is going through; this is a mission. We are committed to ensuring that we have a representative workforce.

The figure of 1 per cent that was highlighted in CRER's evidence was correct, but it did not cover the new recruits who passed out in September, for whom the figure is 10 per cent. The indication is that 10 per cent will be the figure for the next two parades. Is that something to celebrate? It is a starting point for Police Scotland. When you start looking at the numbers, you see that this is going to be a 10-year journey. We are talking about 4 per cent, but the number might not be 4 per cent. We are trying to attract the best individuals to represent Scotland's communities.

13:45

The introduction to policing programme and the condensed courses have been held up across the UK as things that other forces might want to

pursue. Along with those, we have approaches with partner agencies that support the marketing of policing; we have peer support in place; and we have a closed Facebook group that enables recruits to talk to one another and highlight how supportive Police Scotland is in terms of the mentoring process that is in place.

There are a number of steps that we have to take. We have to continue our approach for a number of years and we have to ensure that there is continuous professional development. This is not a numbers game that is concerned purely with how many people we can get in the door; this is a long-term approach of development so that we can ensure that the ranks of Police Scotland are representative of communities.

I anticipated that the issue of retention would be raised today. Carol Young makes a valid point about the accuracy of the numbers. I have been provided with some details—again, I am quite happy to share them with the committee in writing—that seem to indicate that, over the past two years, the leaving rate for BME officers and staff was 1 per cent of the total, which is reflective of their representation. However, losing 1 per cent of the BME contingent within Police Scotland has a significant impact in terms of confidence, so it is not acceptable. We have to clearly understand why people are leaving.

In 2015, CRER had a discussion with the chief constable that was one of the factors that led to the creation of the positive action team in 2016 and 2017.

We are a listening organisation, but you should be clear that we are not talking about a burst of activity, because this is a 10-year plan, and we will do our utmost to ensure that Police Scotland's workforce is representative of communities.

The Convener: I understand why the positive action team has been set up, and I am sure that it will do very important work. However, are there plans in place to review its success and to make changes to how it operates if you do not get the success that you hope for?

Chief Superintendent McKenzie: Yes. A governance structure exists around the positive action team. There is a steering group that will continuously monitor whether we are still successful in the approaches that we are adopting, whether new ideas or views have arisen and so on. There is an argument that the numbers are quite high just now because we are attracting individuals who have always had an interest in the police. However, I take the view that the more BME individuals we get in the police, the more the service will be seen as a credible career for people in BME communities.

As part of the introduction to policing programme, candidates go up to the Scottish Police College for a couple of weekends and bring their parents and relatives with them. That has created a situation in which parents and relatives are talking in very positive terms about Police Scotland. That will be a catalyst.

You are right to suggest that we should amend our approach as we go on, and that is what we are doing. There is a reference group behind our approach to ensure that we address any on-going challenges.

Rona Mackay: I would like to raise another issue from the CRER report that hit the headlines. I have now read your submission fully and can see that it might have had a bit of a spin put on it. CRER stated that a lack of BME representation contributes to the

“perception and experience of institutional racism within Police Scotland”.

I ask Carol Young and John McKenzie to comment on that.

Carol Young: You are right to pick up on the fact that a bit of a spin was put on that. When you read our submission, you will see that our approach was considerably more boring than it was made to appear in the press.

As a strategic anti-racist organisation, we are keen to consider the issue of institutional racism—that is primarily what our work is about. Police Scotland is not alone in having significant challenges in relation to the need to ensure that there is no racial disparity in the way in which its services operate or are experienced by the people who come into contact with the organisation. The issues need be considered across the organisation’s functions, from recruitment down to service provision.

The evidence that we have been setting out for a long time in relation to most if not all of Scotland’s public services indicates the existence of a certain amount of institutional racism. You will perhaps remember that, a few years ago, Sir Bernard Hogan-Howe made a statement on behalf of the Metropolitan Police to the effect that if racial disparities had been identified in the organisational culture and in its structures and ways of working over the years, it was not for him to say that that was not the case; rather, it was for him simply to tackle the issues. I am glad to see that despite the furore in the press at the weekend, there have not been any statements to the contrary from Police Scotland. That is positive. We have been working with the organisation over the years and, as I said earlier, none of the issues is new to Police Scotland, the Scottish Government or the justice directorate.

Rona Mackay: Are you satisfied that things are moving in the right direction?

Carol Young: I will be satisfied that things are moving in the right direction when I see measurable change. I have been at this for too long to do anything but that. I can say that activity is great, and we will always be supportive of any activity that is going on, but I will reserve the applause for when I can see the actual measurable impact on people’s lives. However, there have been moves forward recently, not only in Police Scotland’s practice, but in the activity under the race equality framework for Scotland, which a lot of that feeds into, and the commitment on the part of the leadership to tackle these issues—it has already been outlined that the positive action programme will be properly governed, monitored and evaluated. I am hopeful that, further down the line, we will come to see what all of this effort has led to.

Angela Voulgari: As well as considering institutional racism, it is important to see Police Scotland as an organisation within society, which means that it can be seen as a microcosm of that society and the individuals who comprise it. Unfortunately, those individuals will include the bad and the ugly as well as the good and the excellent. In terms of recruitment, therefore, it is important to consider the specific skills that are missing from the people who are applying to enter the force. Is recruitment from BME communities low because not enough people from those communities are applying or because not enough of them make the cut, so to speak? One approach would be to cultivate those skills that are missing and encourage people to see policing as a viable career, which John McKenzie mentioned earlier, by addressing the concerns that people have about the organisation.

Chief Superintendent McKenzie: The question is a really complex one, and it was raised by Mr Finnie in the chamber on Tuesday. I am glad that Carol Young highlighted the fact that the article on Sunday was probably not truly reflective of the CRER submission.

The idea of institutional racism has a significant impact on the communities that we serve. That is why we have to ensure that we are using that term with clear evidence and with a clear indication of why we think that an organisation—whatever one it might be—is institutionally racist.

On the workforce component, the Equal Opportunities Committee’s 2016 document “Removing Barriers: race, ethnicity and employment” highlighted the fact that it is not only policing that faces these challenges, but all public bodies. Carol Young would concur with that.

There are a number of factors around the definition of institutional racism in the Macpherson report. The very fact that individuals outwith the core organisation believe that there are factors that contribute to institutional racism means that it is our job to recognise that that is the case, to understand why that is the case and then to act. That is where we are at, and that is not a self-assessment; it is an assessment that goes beyond a self-assessment.

The points that were highlighted did not reflect the whole picture of the activity that Police Scotland undertakes. The aspects that were highlighted in conclusion were representation, responsiveness, collaboration and transparency. I have highlighted our positive action. In relation to responsiveness, we have highlighted the activity that we are undertaking; we have highlighted the collaboration approach in our submission; and we have highlighted our transparency with regard to the publication of statistics. It is really important to ensure that a balanced picture is provided and that there is a clear picture of all the evidence before a term such as “institutional racism” is used in the public domain.

I go back to the fact that we are a listening organisation. If agencies and partners believe that issues exist, it is for us to listen. Sir William Macpherson was very wise in his deliberations when he addressed the various factors, and Sir Bernard Hogan-Howe also talked about his position. However, it is probably for others to make the judgment, as the judgment that CRER made in its written submission is not reflective of the feedback that we get from partners around Scotland every day. That is what should be deliberated on.

CRER has raised a number of valid points and we must work to ensure that we provide confidence to all partners. I hope that, as the months and years go on, we will have an effective workforce and that we will revisit this conversation.

John Finnie: In my constituency work and as a parliamentarian, I deal with people who have a range of protected characteristics—we deal with failings in the public sector. Sometimes people perceive that they have suffered a failing in a public service—whether the local health board, the police or the council—because they are from an ethnic minority or whatever. Therefore, perception is very important.

When I spoke in the chamber, I talked about institutional failings, but every institution has its failings—my office has its failings—because we are human. How do we move to a situation in which there is sufficient confidence within our ethnic minority communities that if there are any shortcomings—the Chief Superintendent highlighted that, of the millions of interactions

between the police and public, the overwhelming number are positive—people do not think that things have gone wrong because they are from an ethnic minority community?

Chief Superintendent McKenzie: Angela Voulgari touched on the cultural aspect of trust in the police as a starting point, which is the aspect of providing reassurance, engaging and providing confidence.

I do not know the answer to the question of whether we will ever get to the point of having full confidence in any organisation, but that applies not only among members of BME communities, but among people in the white Scottish category. If you look at the statistics in a Scottish Government report from 2014, you will see that confidence in the police was higher among BME communities than it was among white Scottish communities. There will always be dissatisfaction at a certain level. However, Scott Kennedy, his team and other officers around Scotland will continue to work hard to identify communities and to engage with all members of the community.

I took a note of the point that Carol Young made about the perception that we engage with certain community leaders who are not truly representative of the community. We now keep a directory and try to identify where the gaps are, so that we can enhance confidence across communities, and in communities within communities. However, will we ever get to the position of everybody being satisfied? No, we will not, but that goes across every member of the Scottish community.

John Finnie: For the avoidance of doubt, I would have been fascinated if Chief Superintendent McKenzie had come up with a solution, but that is not the case here.

14:00

The Convener: For completeness, given that we are talking about engagement with communities, I would be interested to hear Graham O'Neill's view on the perception of refugees and asylum seekers of their treatment by the police. We have touched on that briefly. I am not sure whether you know definitively how many refugees and asylum seekers there are in Scotland.

I am also keen to find out from John McKenzie and Scott Kennedy whether Police Scotland has any particular procedures in place and whether it provides any training updates on how officers should treat asylum seekers and refugees.

Graham O'Neill: It is quite difficult to establish how many people there are in the asylum and refugee process in Scotland. The Scottish

Government estimates that the figure is between 20,000 and 25,000—that covers asylum seekers as well as people who have been given status. In addition, there are just under 2,000 individuals in Syrian families who have come here through the Syrian resettlement programme over the past three years.

I attach a big caveat to that, because one of the structural issues in the refugee rights world is the fact that the Home Office does not provide very clear information for different parts of the UK, including Scotland. In Glasgow, the asylum-seeking population is around 4,000 to 4,500 people. They live mainly in the north and north-east, and in some parts of the south-west, of the city. Growth in that population has been a trend for the past 20 years or so; it has been going on for a generation.

As we said in our submission, we think that empathy is absolutely critical in working with people who are seeking international protection because, by definition, they are fleeing persecution, abuse, sexual violence and torture, as Angela Voulgari mentioned. Any public authority that can get it right for people who have come here from such places is doing fantastically well. We put on record some of the community policing that has been done in Glasgow by people such as Dario D'Andrea, because recognition of that work is absolutely deserved.

I am aware of what the convener said earlier about her visit to the Asylum Seeker Housing Project, which has extremely good links with communities in the asylum and refugee population in Glasgow. I cannot comment on the treatment that was described, because I have not seen the evidence, but everybody in the room would agree that there will always be issues and things that go wrong with how individuals are treated by various public services, including Police Scotland. The fact that that happens is unacceptable. It would be good if Police Scotland in Glasgow could meet the Asylum Seeker Housing Project, and we would be happy to facilitate that if it would be helpful, although I do not think that facilitation would be needed. It is a case of getting underneath—

The Convener: It is about opening up the dialogue. You asked the sub-committee to consider requesting a review of how Police Scotland and the Crown Office work with migrants in Scotland. It would be helpful to get that dialogue going and to get a shared understanding of what the issues are.

Graham O'Neill: I am very glad that you raised that, because we deliberately framed our request in terms of migrants. In the refugee rights world, we often talk about what is happening in Scotland as a generational change. It is not only Glasgow that has people who are seeking protection as

refugees. Syrian families and unaccompanied children are seeking protection. We have asylum seekers in Glasgow and other parts of Scotland. Therefore, it is now very much a Scottish as opposed to just a Glasgow issue. The present situation is a microcosm of the wider migration that has occurred in Scotland and the UK over the past 20 years through things such as European Union expansion.

At the moment, we are in the Brexit process and we know that it is very complicated and might create wider immigration insecurities for people who currently have security here, such as EU citizens in Scotland. That is not a political point; it is a factual point related to risk assessment and what might happen. The immigration imperative is now coming to Scotland in a very real way and vulnerabilities around status might be created that did not exist previously.

If one wants to engage in a preventative approach, there is real virtue in being in a more ethnically, nationally and linguistically diverse society in Scotland, which the trends indicate will continue. We have suggested that some of our key institutions in the criminal justice world—the police inspectorate and the prosecution service—who are asking how they can work better with that more diverse community, should be talking about conducting a joint thematic review to take stock of how we are working with migrants and conducting public policy interventions. We hope and expect that that would bring in some of the issues that are important to us, which John Finnie spoke about earlier, including the relationship between a reserved institution such as the Home Office, through its immigration enforcement team, that is working from an immigration control perspective and devolved organisations that have public consent and public confidence. We could extend that to other Scottish public authorities.

There is something important about a review of how our key criminal justice bodies are working with migrants in Scotland, given the fact that we are much more diverse than we have been and are going to become increasingly diverse, which is a good thing going forward.

The Convener: John McKenzie, did you want to make any comment? I know that you cannot give a definitive answer on whether that would be useful.

Chief Superintendent McKenzie: I do not really have any definitive view that I would express in here. It is a judgment for the committee to make. It is an interesting point.

The Convener: But there is certainly an issue about the training that officers should have and how they should deal with asylum seekers, in particular.

Chief Superintendent McKenzie: I would refer back to a point that I made earlier, and that Angela Voulgari usefully made. As emerging communities come into Scotland, we should ensure that training is not static, at point of entry, and that there is a process of continuous professional development. That is an important factor that has been considered with the e-learning module.

I would be interested to know if Scott Kennedy wants to come in. My previous experience was in Glasgow. The local authority has a key part to play in raising awareness and providing additional training, but the approach then becomes a patchwork across Scotland. Training to deal with communities in Scotland is our responsibility and the responsibility of wider partners. Scott Kennedy might have something valid to say at this point from the local point of view.

Sergeant Kennedy: On training, it is relevant to say that our department is a go-to department for officers across the city. Although nothing is going on at the moment, that is being reviewed. We have a code of ethics for how we treat everyone we come across. Everyone is taken at face value and, where officers think they need additional support or guidance, they can come to us for that.

This is a growing issue across Scotland. I can comment only on Edinburgh and particularly on recent engagement with our Syrian families to whom we have been fully committed. Some of the most vulnerable individuals in Scotland are here because of where they have come from and their experience of law enforcement. We have taken time from day 1 of their arrival to tell them things such as, "This is a police uniform. Don't be frightened of it." That continues through our school link officers, who are briefed when new children start schools so that they know about them. There is also on-going work with support groups and others to give out a basic message about Scots law, and we have the translated guide that we talked about earlier. We tell them that we are a law enforcement agency and that, while they are here, our duty is to protect them and to serve them as we do everyone else, so they should come forward. People who have had that initial engagement have come directly to my department to report matters, and then we can work with partner organisations to support them and to address the issues that they have experienced.

Ben Macpherson: The Scottish Government, along with Police Scotland and the Crown Office and Procurator Fiscal Service, launched a major campaign against hate crime on 13 October. What is the extent of the underreporting of hate crime in our country? What barriers prevent individuals from BME communities from reporting and what can we do to encourage more reporting? What more can Police Scotland do directly?

The Convener: Before I bring anyone in, I will just say that we have only five minutes or so left, so I ask people who want to comment to be as brief as possible so that we can get as many people in as possible.

Angela Voulgari: From our experience of the work that Sacro does with ethnic minority communities, I can confidently say that there is nowhere near enough reporting of hate crime by individuals who are directly affected. They will disclose to the organisation through their support worker, whom they trust and know, but they will not necessarily take the extra step of going to the police or even to a third-party reporting centre. A lot of our work becomes about explaining what hate crime is. One of the barriers is that, unless hate crime becomes physical, a lot of people do not necessarily know that it is a crime. When people's property is vandalised or they are physically assaulted, they will understand that, but if it is just a comment made in passing, a lot of people do not realise that that is an issue.

That goes back to the issue of whether people know about their rights and when they can access the police to get support. A lot of people do not know that and, unfortunately, we see that not just among newly arrived populations but sometimes among people who are second or third generation. We need to raise awareness of that.

Carol Young: I completely agree with everything that Angela Voulgari has said. We think that there is significant underreporting. The reasons for that are complex, so we probably do not have time to go into them just now. However, ideally, we would like more support to be available for organisations to do casework and provide advice specifically on the issue of hate crime reporting, rather than there being more emphasis on third-party reporting. As much as we would like to think that third-party reporting enables people to report more easily, as Angela Voulgari said, it often does not suit people. For us, it would be ideal if people were supported to go directly to the police rather than keeping things siloed in community organisations, because that would be part of the solution by bridging any gulf in trust that there might be between people and the police.

Chief Superintendent McKenzie: Like Carol Young and Angela Voulgari, I am completely clear that there is underreporting of hate crime. I am unclear about the level of that underreporting, but most commentary suggests that it is quite significant. The hate crime numbers have stayed fairly constant for the past three years. If communities are growing and hate crimes are staying constant, that indicates that there is underreporting.

I am conscious of the time, but I will say a bit about what we can do. Awareness raising is one

factor. I hope that the hate crime review will come up with some suggestions. Third-party reporting has been highlighted. There is a debate about the consistent value of third-party reporting and about whether it actually creates a barrier to reporting. There are a number of complex aspects, which is why we are undertaking a review. I hope that we will have some suggestions on how we move forward.

On the primary point, I do not know the level of underreporting, but there absolutely is underreporting.

Ben Macpherson: Thank you.

Graham O'Neill: Convener, can I make just one point?

The Convener: Okay.

Graham O'Neill: As we said in our written submission, I am not clear that any dedicated research has been done to analyse the reports of hate crime over the past decade or so. The Crown Office hate crime reports are a really rich bit of evidence that needs to be analysed. The issue is wider than the prevalence of terms such as "asylum seeker" and "refugee" being used as signs of ill-will or malice, which are the legal definitions of the statutory aggravations around hate crime. Certainly, when we looked into the issue previously, we were not clear that a genuine analysis had been done across all the hate crime categories. A few years ago, some dipping-in was done into certain categories relating to religion and belief.

If that analysis has not been done, it is important that it is done, because otherwise we are missing out on an important bit of evidence that will allow us to understand the actual expression in Scotland, across the categories, of ill-will and malice, which are the terms used in the statutory aggravations for hate crime.

The Convener: As there are no further questions and we have unfortunately run out of time, I thank all of our witnesses for coming. It has been a useful and informative session. I make a small plea: if there is something that the witnesses wish that they had said or further evidence that they think would be useful, please feel free to write to the committee with that.

We will now move into private session. Our next meeting will be on 9 November.

14:16

Meeting continued in private until 14:23.

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