

**Solicitor to the Inquiry**

[REDACTED]

E: [legal@shekubayohinquiry.scot](mailto:legal@shekubayohinquiry.scot)



Ms Sharon Smit  
Head of HR Corporate Services  
Police Investigations and Review Commissioner

By email only: [REDACTED]

19 April 2024

Dear Ms Smit

### **Rule 8 Request**

I am writing on behalf of the Chair to the Sheku Bayoh Public Inquiry ('the Inquiry').

Under [Section 21\(2\)\(a\) of the Inquiries Act 2005](#), the Chair may, by notice, require a person to provide evidence in the form of a written statement. [Rule 8 of The Inquiries \(Scotland\) Rules 2007](#) provides that the Inquiry may send a written request to any person for a written statement of evidence. I hereby request you provide a written statement to the Inquiry by **12noon on Friday 10 May 2024**. Please provide your written statement by email to [legal@shekubayohinquiry.scot](mailto:legal@shekubayohinquiry.scot). If you require further time to complete your written statement, please contact the Inquiry as soon as possible to agree a revised deadline.

It is a criminal offence to fail to comply with this request without reasonable excuse. I refer you to [Section 35\(1\) of the Inquiries Act 2005](#).

Annex A to this letter sets out the areas to be covered in your written statement. Annex B to this letter contains a copy of the Inquiry's Terms of Reference.

Should you decide to take independent legal advice prior to providing your written statement, please contact the Inquiry's legal team in advance by email at [legal@shekubayohinquiry.scot](mailto:legal@shekubayohinquiry.scot).

[Section 22\(1\)\(a\) of the Inquiries Act 2005](#) states that a person may not be required, under section 21, to give, produce or provide any evidence or document if you could not be required to do so if the proceedings of the inquiry were civil proceedings in a court. If you are of the view that section 22 applies to your evidence, please advise the Inquiry of this and set out how section 22 applies.

Your statement may be disclosed to the Core Participants in the Inquiry and may be published on the Inquiry's website.

The written statement will form part of the evidence of the Inquiry. For that reason, it is important that it is in your own words. You may be asked to attend a hearing to give oral evidence to the Inquiry.

If you have any questions regarding this letter or the content of your written statement, please contact the legal team by email at [legal@shekubayohinquiry.scot](mailto:legal@shekubayohinquiry.scot).

Yours sincerely



Solicitor to the Sheku Bayoh Inquiry

## **ANNEX A**

### **AREAS FOR WITNESS STATEMENT**

#### **SHARON SMIT**

Please provide your **full name, date of birth, personal or business address**.

Please provide as much detail as you can in relation to each of the following questions. Please mark on your statement the number of which paragraph of questions you are answering.

If you refer to any document in preparing your statement, please provide a brief description of the document and which page you have referred to.

#### **Professional background and your current role**

1. Please briefly summarise your professional experience.
2. Please detail when you were appointed as the Head of HR and Corporate Services of PIRC.
3. Please can you provide a description of what your current role entails.
4. In the PIRC position Statement dated 29 January 2024 you were identified as the person within PIRC who had overall responsibility for matters relating to equality, diversity and inclusion. Please explain the extent of your remit in this regard and how you are supported by other members of staff in fulfilling your role.

#### **Training and guidance at (and before) your commencement in role**

5. When you commenced in your role, what was the PIRC training policy and strategy in relation to the following matters:
  - (i) equality, diversity and inclusion insofar as relating to race; and
  - (ii) investigating race as a factor in an incident.
6. How was the training policy and strategy implemented at that time with regard to training opportunities for:
  - (i) senior managers; and
  - (ii) investigators and 'front line' staff?
7. What arrangements if any were in place to monitor the effectiveness of any such training?
8. What guidance was available on investigating race as a factor in an incident?
9. Insofar as you may be aware, were there any significant changes in the arrangements in place with regard to such training and / or guidance between 2015 and your commencement in role?
10. Were you aware at the time of any changes made in response to the death of Sheku Bayoh and/or any lessons learned from his death?

## **Training and guidance since your commencement in role**

11. Since you commenced in your role, with regard to training on race please explain the steps that you have taken in order to:
  - (i) Ensure that systems are in place to identify either shortcomings in existing areas of training or the need for a previously unidentified area for training to be provided to PIRC members of staff, for example, in response to a change in legislation rather than reacting to an internal request from a member of staff for training to be provided;
  - (ii) Identify the need for specialised training for members of staff which is specific to their particular role;
  - (iii) Assess the effectiveness of any training provided and the need for any follow up training or “refresher” training to be delivered.
12. Is it mandatory that all staff within PIRC attend the training which is provided on race, and if so since when?
13. Are there any procedures in place to monitor that staff members attend training and implement the learning points?
14. Are staff asked to evaluate and give feedback on the training that they have received? If so, please explain the purpose for which this feedback is obtained.
15. In your view, are sufficient resources available to you in your role as Head of HR and Corporate Services to be able to deliver a full spectrum of training? Are there any other limitations on the ability of PIRC to provide training on race?
16. What steps might be taken to address any such resourcing issues or limitations?
17. How do you prioritise the training that you are able to deliver in view of any such resourcing issues or limitations?
18. In your view, are there currently any limitations on the effectiveness of the training provided meaning that the learning points or the desired changes in behaviour are not fully adopted by PIRC staff members? If there are any limitations, what steps do you believe would be required to overcome those limitations?
19. If you have identified any limitations in the ability to deliver training, or the effectiveness of the training, how does this manifest itself within the organisation?
20. During periods when there is a significant volume of casework, does this mean that training on equality, diversity and unconscious bias is given less priority?
21. Please explain your obligations in terms of reporting to senior management on the training provided and the success or otherwise of it.
22. Are there any other comments that you would wish to make in relation to the training and guidance on race provided by PIRC?

### **Diversity within PIRC**

23. Does PIRC have an equality and diversity strategy or similar policy? If so, please can you provide details.
24. Does your role require you to monitor compliance with any equality and diversity strategy within PIRC? If so, how is this done?
25. When you commenced in role, how diverse was PIRC as an organisation? Has that changed since?
26. Do you think that the workforce within PIRC is sufficiently diverse in terms of recruitment and retention of black and minority ethnic members of staff? If not, what steps are you taking in your role as Head of HR and Corporate Services to address this?
27. Do you believe that any improvements could be made by PIRC generally with regard to equality and diversity both internally within the organisation and in its interactions with the public and other stakeholders?

### **Conclusion**

28. Annex B contains the Inquiry's terms of reference. With reference to these, is there anything else you would like to include in your witness statement?
29. Please include the following wording in the final paragraph of your statement:  
  
"I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website."
30. Please sign and date your statement.

## ANNEX B

### Terms of reference

The aim of this Inquiry is twofold: firstly, the Inquiry will establish the circumstances surrounding the death of Sheku Bayoh in police custody on 3 May 2015 and make recommendations to prevent deaths in similar circumstances, as would have been required under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

Secondly, the Inquiry will assess and establish aspects of the case that could not be captured, or fully captured through the FAI process, namely (a) the post incident management process and subsequent investigation and make any recommendations for the future in relation to these; and (b) the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard.

The remit of the Inquiry is accordingly:

- to establish the circumstances of the death of Sheku Bayoh, including the cause or causes of the death, any precautions which could reasonably have been taken and, had they been taken might realistically have resulted in the death being avoided, any defects in any operating models, procedures and training or other system of working which contributed to the death and any other factors which are relevant to the circumstances of the death;
- to make recommendations, if any, covering the taking of reasonable precautions, improvements to or introduction of any operating models, procedures and training, or other system of working, and the taking of any other steps which might realistically prevent other deaths in similar circumstances;
- to examine the post-incident management process and the investigation up to, but not including, the making by the Lord Advocate of the prosecutorial decision communicated to the family of Sheku Bayoh on 3 October 2018 (and the Victims' Right to Review process that was undertaken by the Crown Counsel in 2019), including: (i) the effectiveness of procedures for gathering and analysing information, (ii) the securing and preserving of evidence, (iii) the roles and responsibilities of those involved, (iv) liaison with the family of the deceased and (v) compliance with any relevant Convention rights; and make recommendations, if any, for the future in respect of these matters;
- to establish the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard; and
- to report to the Scottish Ministers on the above matters and to make recommendations, as soon as reasonably practicable.