Tuesday, 8 October 2024.

(10.00 am)

LORD BRACADALE: Good morning, Professor John.

A. Good morning, sir.

LORD BRACADALE: Would you say the words of the affirmation after me, please.

PROFESSOR GUS JOHN (affirmed)

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Thank you very much.

Examination-in-chief by MS GRAHAME

MS GRAHAME: Good morning.

A. Good morning.

Q. You are Augustine John, known as Gus?

A. That's right.

Q. What age are you?

A. I was born in 1945.

Q. And am I right in saying you are a professor of education and social policy?

A. Yes.

Q. And I see from your -- the details that you've sent to the Inquiry that you were a visiting professor of education at Strathclyde University, through in the west coast, between '97 and 2007?

A. That's correct.

Q. And am I correct in saying you have been writing about

race and policing and conducting social research since the late 1960s?

A. That's correct.

Q. And you have been delivering training for over 50 years?

A. Yes.

Q. And that is training on race and discrimination and matters of that sort?

A. And government policy, yes.

Q. And government policy. And really since the sixties, you started I think as a youth worker in areas like London and metropolitan cities and you have also been a youth leader and you have run youth clubs, again, since 1960?

A. That's correct.

Q. Is it fair to say throughout your entire career and for the majority of --

(Zoom frozen)

-- and the majority of your life you have been working in these areas of education, race, discrimination, equality, government policy, education?

A. That's right.

Q. Thank you. And I know that you've kindly for the Inquiry watched some of the evidence that we've taken from other witnesses and it will come as no surprise that you have a blue folder in front of you on

the desk and we have given you a hard copy of anything we think may assist you. You may also have noticed that the screen in front of you -- and you may have seen that when I'm taking witness through statements and such like I'll usually ask for that to be brought up on the screen and that then allows everyone in the room to follow what we're talking about?

A. Sure.

Q. If you prefer the hard copy, you have that in front of you. And then I'll probably read it and then ask you some questions and we'll follow that process today?

A. Thank you.

Q. Are you happy with that?

A. Absolutely.

Q. Thank you. And having read through your statement, Professor, I think you say that initially the Inquiry team were in touch with you and at one point thought they would get you to prepare a report, but after some discussion and after a period of time, I think it was agreed that you would prepare a witness statement and you should have a hard copy of that in front of you and I would like to look at that witness statement, if I may. It's SBPI 00689, and do you see that's come up on the screen and it's an expert witness statement, Professor Augustine John, and it was taken by the team

on 22 August and 4 September this year?

A. That's right.

Q. This document which have on the screen is 100 pages and if we could look at the final paragraph of the actual statement part, which is on page 91 and you'll see the final paragraph is 238, there we are, and it ends:

"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."

A. Yes.

Q. And although this version is redacted on the screen, we can see that you apparently signed it on 11 September of this year?

A. That's right.

Q. And your hard copy will show you your signature and you'll have signed that on every page. And you knew that when you were signing this statement that it was for the benefit of the Chair?

A. Yes.

Q. And that you were doing your best to be accurate and truthful in the course of this statement?

A. Yes.

Q. Thank you. Now, there's two things I believe you wish to correct. Now, the first is in paragraph 187 of the

statement and that starts on page 69, at the bottom of page 69, and it's 187 and this is where you talk about:

"When the ten legacy organisations formed Police Scotland in 2013, they ought to have been compliant with the PSED since the Equality Act 2010 came into force, and before that with the race equality duty."

And then it goes on to say:

"I have seen evidence provided to this Inquiry from witnesses involved in the transition period. This was clearly a challenging project and it was understandable that the objective was to make the transition as seamless as possible. That was a strategic priority, but one that need have displaced other interlocking strategic priorities."

And the word "not" is missing from that sentence, so it should say:

"That was a strategic priority but maybe not one that need have displaced."

Or:

"But one that need not have displaced other strategic priorities."

A. It should be "need not have displaced" that's correct.

Q. "Need not"?

A. Yes.

Q. It should read:

"But one that need not have displaced other interlocking strategic priorities."

A. That's correct.

Q. And so the Chair can take that into account when he's reading that paragraph in the future.

And then the other issue that I want to raise at the outset relates to an addendum to your Inquiry statement and it's SBPI 00703 and this is -- has been prepared as an addendum to your statement, again from September of this year, and it's a correction to your statement. And if we go down we can see that you had been provided with a document relating to training by the Inquiry team and the Inquiry team then discovered they had sent you the wrong document?

A. That's correct.

Q. So you had looked at that training document on the assumption that it related to training in or around 2014/2015, but that then later was explained that that had been sent in error?

A. Yes.

Q. So this addendum simply looks at what you did have and corrects the error that was due to the Inquiry --

A. That's right.

Q. -- mistakenly sending you that document. And we can

come back to that later today. Thank you.

First of all, I would like to look at what forms appendix A of your statement, which is page 92. And you were asked about your career and this is a career summary, and we've touched on some of those matters.

"In summary, I have conducted social research and written about race and policing since the late 1960s."

We have already discussed that. Could we look at 243, please:

"I have been delivering training on race and discrimination for the last half a century to the police, the CPS [Crown Prosecution Service], social workers, probation officers, careers officers, trainee teachers, school, college and university managers, business leaders, local authority officers and civil servants. I have delivered management development courses for local authorities which opted to adopt positive action measures and invest in the development of black and global majority staff within their own workforce in order to ensure a better representation of black staff in senior managerial positions."

A. Yes.

Q. Tell us a little about some of the work that you have been doing on training.

A. One of the -- one of the neglected areas I think in

leadership and management training, and indeed in the training of people such as social workers, careers officers, et cetera, is to couple race and race relations, so to speak, with the particular careers that those folk are entering. In other words, you can have generic training on any one of those subjects, social work, teaching, whatever, without that being seen as -- without an understanding of race and racial politics in Britain being seen as an integral part of that.

Many years ago, I used to be asked by what were then polytechnics and indeed universities, those who trained teachers, for example, to go and do some training on multicultural education, on race and education, on urban education, and those sessions were invariably in the final term of a three-year course for one day, if you were lucky, one week. So those folk could have gone through three years of training about everything else and then in that one day, I was expected to force feed them on issues to do with race so they could have an understanding of how to conduct themselves in a classroom with white children only or a classroom with a mixed student population of Caribbean people, people from South Asia, Chinese people or whatever and, frankly, that was just ridiculous. It wasn't only tokenistic, but it did not do those being trained any

good. It was not advantageous.

Imagine if you were born in Cupar, let's say, or Glenrothes and you go to school, primary school, secondary school in those areas, which typically do not include integrally issues of race, Scotland's engagement with colonialism and imperialism or what have you, and the only references there are to black people or people of other ethnicities is in relation to immigration and immigration as racialised, in other words dealing with race is a problem. Your understanding of who your neighbours might be tomorrow or even concurrently would be very, very limited and you would begin to see them in terms of being extra, other, not quite belonging, not in a normal situation, because a normal situation would be to be white Scottish.

So unless those matters are actually addressed, you then go into a classroom where you're having to teach children from Pakistan, India, China, Caribbean, whatever, and there are no reference points. You can't -- you can't begin to relate to them in a manner which says "I understand what your presence here means", "I understand how people like you come to be in Scotland", "I understand that the curriculum I'm going to deliver does not naturally include you and the systems of knowledge production that the groups to which

you belong or the countries from which you come have been doing for centuries."

So when I say it puts those being trained at a disadvantage, what I'm saying is that three years of training or four years on an honours course fails to equip them with the knowledge, the understanding, the aptitudes, the skills to deal with a multiethnic or multiracial classroom, but more than that, those skills are necessary even if there are no children whatsoever from other ethnicities in the classroom. They're necessary for a school anywhere in Scotland or England for that matter with no black kids whatsoever, because our histories are intertwined, they're interconnected, and so the interface between Britain, the British Isles, and those countries from which people like me come has to be understood, because a failure to do that is a failure to begin to address those imbalances and what I call "erasures"; the erasure of the knowledge that is produced within those places.

I keep saying to people when Wole Soyinka, that giant of a writer, literature expert from Nigeria or Derek Walcott from Saint Lucia got the Nobel Peace Prize for literature, it wasn't because a Nobel Committee decided that it was time to add some colour to the business, they were people who were excellent in their

particular disciplines, but yet there are many schools and.indeed.universities, who have a view of a canon of English literature that does not include literature in English. And people like my children who go to those places to do English literature, drama, whatever else, are treated to a curriculum which bears no relationship whatsoever to the work of people like them or Maya Angelou or Toni Morrison or any of those others I could name and that is how the country continues to bump along continuing to treat people like me as other and seeing as normal a literature and epistemology that doesn't begin to take account of anything else but western systems of knowledge production and the products of that system.

Q. Thank you. I intend to come back to this matter. You have addressed it in your statement, so we will come back to. It, is it fair to summarise, if I may, your position that training is not just about what the trainers are delivering to the students, but there has to be consideration of the trainers themselves, their background, how they have been brought up, their own understanding of their place in the world, because without looking at the trainers, it's a very limited approach to training; is it fair to say that?

A. Absolutely.

Q. Thank you. All right. We will come back to that in more detail --

A. Sure.

Q. -- when we look through your statement.

Can we look at paragraph 4 of your statement, please. And here you say:

"The principles for effective training and cultural change, which I will go on to discuss in this statement, are a distillation of years of experience of training and guidance on training programmes in a wide range of institutions. They are transferable to any organisation. It's a template that organisations should use, and is applicable to police services, prosecuting authorities and commissioners such as PIRC."

And so if someone looked at your CV and suggested "oh, you have never delivered a training course specifically to PIRC, the Commissioner", do you consider in any way that that criticism would hinder you from expressing views about training, good quality training, and the evidence that you'll be giving to help the Chair today?

A. No, I certainly do not. It would be ridiculous to suggest that one cannot infer from what an organisation does the extent to which those doing have got the skills or the understanding or the knowledge to bring to

whatever situations they might encounter. If someone is not conscious of the context in which, for example, racial discrimination occurs, whether it be in terms of verbal, harassment, physical attacks, discrimination in one form or another, then they're likely to take for granted or consider to be normal or not so important matters or actions which other people, black people for example, experience as very damaging.

To take a particular example, that's the difference between seeing racial slurs and the indulgence in casual racism as banter as distinct from matters that injure other people's feelings, make them feel inadequate, not quite belonging, or whatever else. And there are power relationships involved in all of that. So somebody might feel capable of using words, expressions, certain actions and seeing that as banter, because they belong to a group of people who have the power to determine that, as distinct from those who suffer discrimination on a day-to-day basis and experience that banter as discrimination.

So as somebody who has been doing this business for sixty years or whatever, it would be ridiculous to suggest that one cannot bring a framework of understanding and apply a certain number of principles to what an organisation does to be able to critique that

and say how good it is, how deficient it is.

Q. And as I understand your statement, you're trying to draw forth some of those fundamental principles and your view is that they are transferable, it doesn't matter what organisation you are talking about?

A. Yes, I mean I do quite a lot work around leadership and management and my assessment would be that, on the whole, leadership and management in this country is pretty woeful when it comes to an understanding of matters to do with race. And for the life of me, I cannot understand why after all of these years, all of these years, let's say going back to 1950, for example, with colleges, universities churning out so many people who become leaders and managers, we still have a situation where senior management, which is typically white in this society, are so bereft in terms of their understanding of those sorts of issues.

Individuals don't take responsibility to educate themselves and to -- and to -- develop the knowledge and the skills that are necessary and those who train them don't consider it important enough to ensure that they have that kind of training and the whole gamut it goes all around. I mean I have been involved in issues to do with the law for God knows how long, and I can say personally that I, and people like me, wearing academic

hats and political activism hats have contributed significantly to the knowledge that lawyers have about these matters.

I used to represent as a youth worker young people in the juvenile court practically every day of the week and sometimes I was there to represent them and give character reference or be an actual witness to events that may have occurred where the police were very much at fault. Now, it took some while before lawyers began to understand that these were the realities in terms of the interaction between young black people and the police so they should not automatically, whether they were duty solicitors or not, believe that you'll get rid of the matter by getting the person to plead guilty to something that they had not done, because you believe that if they went in front of a bench the magistrate or the magistrates or the judge would sooner believe the police rather than themselves. And that was a massive learning curve for the criminal justice system, but those changes wouldn't have come about but for the persistence of people like myself who was not only a youth worker but trained youth workers, so that the police got a -- the solicitors got a better understanding of the process of criminalising of young black people and how that needed to be dealt with so

they were not themselves being seen as part of a criminal injustice system.

Q. Thank you. You've talked about activism. Could we look at paragraph 241 of your inquiry, this is part of appendix A, it's on page 92, and you've mentioned there one of the books that you've written, which was called "Deaths in Custody", and you say:

"As a policing and racial justice issue, I have been involved directly or indirectly with campaigning and supporting bereaved families."

And is that also an aspect of your life over many years that you've also supported bereaved families and been involved in campaigning?

A. Yes, it has been.

Q. And has that given your work a particular perspective, has it detracted in any way from your training work or enhanced it?

A. It has enhanced it and that for a number of reasons. I think it's difficult for institutions, such as the police, that have got a mix of things going on. There are officers who are honourable, competent, proficient, human, and they go about their business reflecting all of those qualities and the values that go with them. There are others who choose to join the police because they know that in that uniform they could indulge in all

sorts of prejudicial and wrongful behaviour.

Some people in this room would be old enough to remember the 2020 -- no, not 2020 -- it was 2003, the Secret Policeman documentary that the BBC screened, where a journalist had infiltrated -- infiltrated -- had posed as a trainee, a police officer, had been accepted for training and experienced the worst forms of racism amongst recruits like himself and he documented all of that. The BBC edited it all and they screened that programme.

Incidentally, it was screened on the same day that I was with Lord Peter Goldsmith, the then Attorney General, the Solicitor General and others presenting my research report for the Crown Prosecution Service which I called "Race for Justice". Same day. And that Secret Policeman documentary was actually giving evidence of why certain people, certain of those recruits, had joined the police, on their own admission, and what they were going to do when they were -- when they had passed and gone into their street patrols and the rest of it. It was shocking. And that documentary led to major changes in recruiting police officers. And the point I'm making is that we need to understand that unless all of these processes are scrutinised, and unless the right questions are asked, the right procedures are applied,

one can end up with a situation where people are able to go out there and be very prejudiced in their treatment or black people, people with disabilities, travellers and gypsies and so on.

So at the base of it all is an understanding that these discriminatory practices do occur within society, that goodness was not made in police colleges, and therefore the assumption that everybody sitting in a room being taught has got the right attitudes, the right values, does not subscribe to the beliefs of the National Front or right wing groups, you've got to test all of that stuff. And evidence that we have of all sorts of malfunctions and malfeasances and bad practices within police forces up and down the country should be garnered so one then determines how to address those sorts of issues, whether you be professional standards or supervisors of teams of police officers or whatever else.

Q. Is it fair to say, Professor, that you would recommend to the Chair that he not take too narrow a view of training recruits or otherwise, that it's a much broader issue about recruiting the right recruits, training them effectively, looking at their background, makes sure they understand race relations, so that when they move on and get experience in the field in the operational

duties and when they become trainers themselves that they can share what is good practice because they've started with the right attitudes and values?

A. That is essential. And as I think I say in my statement, it's also important to understand that training and staff development, continuous professional development, does not occur in classrooms, or only in classrooms. You might take any group of people to Tulliallan for a day or a week or whatever and you keep them focused in that space on whatever your training objectives might be, but if you have no way of understanding how that training is applied once they receive it, what difference it makes to them in terms of their value judgments, in terms of the way they exercise judgment in particular situations, some of those situations very stressful, if none of that is interrogated through general routine organic processes, such as supervision, staff appraisal, or whatever else it may be, then, frankly, the training could be pretty gratuitous.

You might be able to tick a box and say, yes, this person came on this officer safety training so we know that they have been trained, but the fact that they attended doesn't really tell you anything. So training by itself could be a panacea and it can still allow all

sorts of ills to thrive within an organisation, if you don't take steps to ensure that it is totally integrated into general purpose, actual practice and ways of assessing people's conduct and their understanding of their role.

Q. So essential that those being trained can see how that has practical application when they go out the door of the training room and start doing their job and that would apply whether they're police officers, staff with PIRC or the Crown Office?

A. Yes.

Q. There has to be that practical application that has to be made clear and also that their comprehension, their conduct is assessed thereafter?

A. Yes.

Q. And it's not just simply one day in an office being trained in a particular topic and then never looked at again?

A. I mean I can't stress that enough. In the documents that I was sent in preparing this statement, and indeed in the evidence that you've heard over the months, time and again it is averred that a day's training, two days' training or whatever is not sufficient. And that is correct, it isn't sufficient, but the fact that it's only two days' training, whether it be of probationers

or anybody else, places a greater onus on the organisation to ensure that it is continuous and there's a thread running through what everybody does.

So if one were to put training in brackets and rather introduce the notion of learning and learning development and learning application, and see that as some kind of a matrix, then you begin to get to the heart of the matter why after, you know, the day or two days' training or whatsoever people still feel they can't go into a situation and make the right sort of judgment. And one knows instantaneously officers are called upon to make those sorts of judgments. You could be walking down the street on patrol or not or you could be driving your police car and by virtue of everybody seeing you visibly as police officers, they can target you and say "Something is going on here, we want your intervention". You must be able to make quick and sound judgments in those kinds of situations.

Now, you can't be expected to retain in your head whatever you might have learnt at Tulliallan over a three-day period, whether it be in terms of human rights legislation, in terms of risk assessments or threats or whatever else it may be. That's not how human beings work. You can't be expected to compute all of that instantaneously, so therefore the issue of what is it

you're making of that training and how are you personally applying it to yourself in terms of your general day-to-day practice? That's the crucial thing.

And you need to be assisted in doing that and you're assisted in doing it by the kind of supervision that you get, by the sorts of questions people ask you about your practice, by your own -- setting your own targets for self development, and discussing those with whoever is supervising you or whatever and being guided and supported in whatever difficulties you may be having in relation to those matters.

Q. We've heard evidence that -- from all the officers who attended in Hayfield Road in May 2015 and some of them recalled receiving training in equality and diversity when they were probationers at Tulliallan and some of them were further from that probation period than others. We have heard evidence from many officers who talked about attending a two-day diversity course, but the Chair has heard a lot of evidence, because many, many officers were asked what they recollected of that training, and I'm confident to say the majority had very little recollection.

Is that the type of situation that can arise if there is not that ongoing training that has practical application on a day-to-day basis?

A. Certainly. And especially, in addition to that, if people are not within a culture that not only values learning, but puts a premium on people taking responsibility for their own learning and development. You need to do that.

Okay, police officers typically don't have a lot of time for stuff, but it seems to me you don't only begin to apply yourself when you want to go through whatever assessment or grading or whatever is necessary for you to become a sergeant or to become a superintendent or whatever, that's not -- that's not the only time when you begin to cram. You need to -- especially in relation to matters such as equality and diversity and what have you, you need to take responsibility for informing yourself. And knowing the law as given is one thing, but also a whole number of other matters. Why did the government choose, wrongly in my view, to pull all of these strands of legislation into one Equality Act, race and disability and gender and whatever? What did the race discrimination legislation before then say or require? What did the 1975 Sex Discrimination Act require of public bodies? How did the Disability Act of 1995 come about? And what does it say about the way in which disabled people are treated within society, and how does that impact upon me as a police officers when I

have got to deal with disability discrimination and so on? It's a matter of taking personal responsibility for those things.

Q. Thank you. There's two aspects of your -- the work you have done on training that you would like to draw to the Chair's attention, if I may. Could we look at paragraph 250 on page 95, which is still part of appendix A. And I think you've given the Chair some information, at 250, about how you were commissioned by the Home Office to evaluate training then being delivered to the 43 police forces in England, this was in 2002:

"... as a requirement of the Home Secretary an implementation of recommendations of the Stephen Lawrence Inquiry. My report 'Quality Assurance of Community and Race Relations Training' was published by the Home Office in October 2003."

Could you tell the Chair a little bit more about that?

A. Okay. So post Macpherson, Jack Straw was Home Secretary and from 1997 when Labour came out of the wilderness after Thatcher and won the election, I was one of a group of people who formed the Race Relations Forum to advise Jack Straw and in that capacity worked with civil servants on the Race Relations (Amendment) Act.

Jack Straw determined that given the findings and

recommendations of Lord Macpherson, it was important that every police force received race relations training. A company called Ionann won the contract to deliver this training and recruited teams of people to go and train in each police service area. I was called in towards the end of that period to do an evaluation of that training and that involved going into training settings, sitting at the back of the room, whatever, clearly not unseen, and witnessing what happened, who was delivering the training, who the trainees were, what was the content being delivered, what were the modes of delivery, how interactive it was, whether people were encouraged to bring their own experiences and put that up for scrutiny, et cetera, et cetera? And then what kind of evaluation procedures were used to evaluate how the training was being received. So there was a whole raft of stuff that I and the team of people I had with me were looking at. For me it was a pretty searing experience and I was shocked at the conduct, I have to say, in most cases of the police officers present.

So the course, the training was mandatory, loads of people came to it pretty truculently, they didn't want to be there, they resented the fact that they were made to be there and were coming out with some pretty pejorative stuff so that the trainers, and many of them

were not only black but black women, were treated in the most disgraceful manner by these police trainees of different grades and being made to account, as trainers, for whatever tropes the police officers had in their heads. And they were constantly being asked "Why do you people always want this or that?" "What makes you lot so different?" "Why should the system bend to accommodate you?" and so on. So in other words, people were using those sessions as an opportunity to vent their prejudices to obstruct the trainer in terms of what they were seeking to deliver and to try and whip up support for their negative attitudes and conduct from amongst their colleagues. Pretty shocking stuff, I found.

And I thought to myself, well, if that is how in a situation, knowing the background to this training, knowing that it arose out of a recommendations of Macpherson and what the Macpherson Report Inquiry actually found, why you should you as a police officer come into that arena and demonstrate not only that Macpherson and his team were right in what they found, but that it would take a miracle for you lot to be reformed sufficiently, according to what the recommendations of the Macpherson report had as their objective?

What was even worse was that having observed all of that, I then determined to ask the Association of Chief Police Officers for a meeting and to discuss with chief constables and borough commanders and those people what my experience of that was and how concerning it was. And there I discovered that there was no mechanisms within individual forces for people to do what I suggested in earlier answers to you to see what the impact of that training was on those who attended, especially given the fact that many of them didn't want to attend in the first place. How that training was going to be followed up within the force? What impact was it going to have on the way in which those police officers were trained ordinarily, whether it be officer safety training, firearms training or whatever else it may be? Which is why I said to the Home Office that the whole thing was a rather expensive exercise in dipping sheep.

Q. And so once that training had been completed, even with the concerns you had about the training and the way it was approached by those being taught, that there were no mechanisms thereafter to consider impact, monitoring, see what different it made to their operational work, nothing like that put in place at all?

A. Okay. In some forces, individual officers, individual

managers, took this pretty seriously and actually asked for sessions with me so that they could be guided as to what they might do within the force in relation to the sorts of experiences I had had and that was pretty productive. In other situations, senior managers were less engaged and, frankly, less interested and I found that concerning.

I had to take one particular situation where an officer who clearly was very well regarded by the communities in which he worked wanted to be given responsibility for community liaison and his superintendent pulled him aside and gave him some careers advice, which was police community relations is a graveyard. You're a very competent officer, you're liked by communities, and you have made tremendous difference in terms of the development of trust and confidence within this particular area, given the relationship that there had been between the police and the community, but I have to warn you, if you want to go forward in your career and rise up the ranks, just slow down on this business. Your enthusiasm is going to take you in quite in the wrong direction straight into the graveyard. Now, that speaks for itself. This person was confused, disappointed, and couldn't understand why, in spite of Macpherson, there was not a greater appetite

within the senior leadership of his force to use the recommendations and findings of Macpherson to make a difference in terms of how the police are seen by the communities that they were serving.

Q. Thank you. Can I move on to one other specific area I would like to ask you about, and that's at paragraph 249, which is the one above. Here you say:

"In the early 2000s, I was commissioned by the Crown Prosecution Service to conduct research as to how prosecutors made decisions at the case review stage regarding cases involving race and gender, including racially aggravated offences. I chose 1,500 closed cases from each of the 10 CPS areas for my team and me to study. I was alarmed by the repeated pattern of defence lawyers and CPS engaging in plea bargaining and making deals which involved prosecutors agreeing to drop the racially aggravated component of the offending. I gathered the evidence and presented it to the Attorney General, Peter Goldsmith QC, who issued instructions preventing prosecutors from reaching deals, which meant that the racially aggravated aspect of offending could be dropped. Racially or religiously aggravated offences attracted stiffer sentences. I delivered training at CPS headquarters with their EDI team and in CPS areas of the ten involved in the case review study on the results

of our research and of the thematic reviews I conducted for the CPS."

Would you be able to help the Chair understand a little bit more about that work?

A. Yes, sure. So as this suggests, there were 15,000 cases, 15,000 files to be researched.

Q. Was it 15,000 or 1,500?

A. 1,500 in each of ten CPS areas.

Q. I see, Thank you.

A. So 15,000 altogether.

Q. Thank you.

A. And I pulled together a team of people, researchers, to assist me in this -- in this -- in this work. And it was interesting, England and Wales, to see how prosecutors functioned in those ten CPS areas and it wouldn't surprise you to hear that in many cases this CPS area in which this plea bargaining practice was most evident were ones in rural or semi-urban settings. And the degree of harassment that, for example, owners of sub-post offices, South Asian, or corner shops experienced was just appalling and some of those were repeated offences, which made the practice of dropping the aggravated -- racially aggravated or religiously aggravated element of these charges particularly concerning, because what it meant was that the people

were finding it easy in a sense to target black shop owners or whoever and were less concerned about charges of criminal damage than racially aggravated criminal damage, for example.

There were other issues around, because we were looking at race, we were also looking at gender and the gender issues were different in a number of respects, particularly in terms of the prosecution of women for shoplifting or benefit fraud or whatever else it may be. But what stood out most, I think, was this issue of racially aggravated offences and how they were being dealt with.

The law, the Act, was a few years earlier, 1998, and so it was -- it was an important time for that work to be done and it is good that Peter Goldsmith intervened as soon as I brought the matter to his attention and issued guidance to CPS prosecutors across the England and Wales to ensure that that practice was discontinued.

Q. And you looked at all of these cases and prepared a report in relation to that at the time?

A. Yes, and the report, as I said, was called "Race for Justice".

Q. Thank you. Now, I don't want to go into this document. Can I just ask you to look at something though, WIT 00134. Now, I know you referred to your CV in your

statement. That was an earlier version. Am I right in saying this is the up-to-date version that the Chair should have regard to in due course? And we can see that you have made references within this document to some up-to-date evidence that you gave in a recent criminal trial in England this year and a number of other matters from this year and last year. So it's this version of the CV that should be considered?

A. Yes.

Q. Thank you. And then I would like to move on to paragraph 13 of your Inquiry statement, please. And I think if we see the heading, just if we can come down the page slightly, "Training: Identifying the purpose of training." And it's at this section of your statement that you start to move on specifically to look at training and you say here paragraph 13:

"There is a danger that training, as an activity, becomes a kind of panacea. The go-to or rather default position that many institutions adopt is, 'well, let's organise a training programme on this'. Training is a facilitative process. It's meant to support people in doing better what they should be doing anyway and quite often supporting them in doing better requires being very clear from the beginning as to what they should be doing anyway."

And then you go on at paragraph 192, if we can slip to that, which I think is about 72, page 72, and at the bottom of the page, and you say:

"Training is not an activity that is done for its own sake, however much those who are required to do it might consider it a waste of money, time and energy. It is typically meant to facilitate self-development, self-awareness, awareness of organisational goals, and the development of knowledge."

Now, if we can move on, "Understanding and skills":

"...so that the workforce is better able to meet organisational objectives and give of their best, because the working environment is conducive to there doing so. The working environment is not given. It is created by those who inhabit it and, therefore, they are accountable to one another. Ideally, the working environment would be a reflection of the vision that leaders and managers have for the organisation and it's societal purpose and the nature of that environment is created in large measure by the leadership of the organisation, the values they bring to it, and the extent to which they exemplify living those values."

And I think here you address some of the comments you have made earlier today about the attitude of those being trained and the way they approach training

generally. You talk here about self-development, self-awareness, and, again, you have touched on that already this morning. And you talk about awareness of organisational goals, and the development of knowledge?

A. Hm-hmm.

Q. And then talking about the working environment being conducive to doing and achieving all of those things and that leadership in the organisation is important. Is that really reflective of what you have been telling us about this morning in your evidence?

A. Yes, it is. I think we pay too little attention to organisational cultures, how they are generated, how they are sustained, and I suppose the most difficult of all is how they get changed. And I can't stress enough leadership is key to all of that, it seems to me. And it's important that leaders inform themselves and satisfy themselves as to what the culture of the organisation is and the evidence of that is manifold. I mean it comes from a scrutiny and awareness and interrogation of all number of things. And above all, it is important that organisations are aware of what they do not know, what they are taking for granted.

And when events, such as a death after contact with the police take place and one begins to look under the stones, organisations are suddenly alert to what they

did no know or what they took for granted. And I think it is quite important that there is a -- there is an understanding that mechanistic and performative stuff is not enough, especially if you're running an outward-facing, public-facing organisation, where people have quite legitimate expectations of you, what you would deliver, how you and your staff would behave, because it goes to the fundamental issue of people's civic entitlements and rights.

And I don't believe that, especially within public bodies, we pay enough attention to that and it goes back to what I was saying earlier about leadership and the quality of leadership, because it's -- it's fundamental that we understand what the societal purpose of our organisation is and, you know, what we lead society to expect, what society has a right to expect.

Q. And I think you go on to expand on this in your statement in paragraphs 15 and 16, so if we could perhaps move on to 15, first of all, that's page 6, and here you -- keep going, yes -- here you say:

"The organisation needs, first of all, to determine which of its various functions has relevance for race quality or combating racism. Once a decision is made that these many functions do have relevance, then the question is how does one identify within those functions

what your race-equality or combating-racism objectives should be, and what form would that take and what actions are necessary to enable you to meet those objectives."

So looking at, first of all, an organisation, whichever organisation is being looked at, should determine which of its various functions has relevance for race equality or combating racism. And then you go on at paragraph 16 to say that:

"A function is everything the organisation does in discharging its duties as a public body and for a provider of services to its community and to society generally."

And you give a number of examples from (a) down to (m) of examples of functions which may have a bearing in relation to this. And just to pick a few of those, appointing staff, supervising staff, conducting staff appraisals and performance reviews, formulating policies and putting in place procedures for registering and hearing complaints, grievances and disciplinary cases.

So again, from what you've been saying earlier today, it's not just simply about saying "Let's have a training course"?

A. Sure.

Q. This has to look at all the functions of the

organisation and that goes from the very beginning of appointing staff who are probationers or trainees or new recruits who come in. From that very point, you have to look at every element and not just consider the training course but beyond that when they come out?

A. Yes.

Q. Look at issues of complaints, look at staff appraisal, look at performance, look at the impact the training has had on them, so all of those aspects need to be reviewed if there's going to be a change; is that fair to say?

A. Yes. And doing so in a manner that reinforces in people the understanding that they have permission to ask those kinds of questions. These organisations, uniformed organisations, like the police and the army, et cetera, are pretty hierarchical, and there are all sorts of power relationships involved in people's interactions with one another. So the culture of the police must be such that individuals do find it easy, and I would use the word "easy", to raise concerns, to talk about their anxieties about what they know or don't know, to seek advice, to even say to their managers that they do not think that they're being particularly helpful to them because of their own ingrained and entrenched attitudes, difficult to do, but we may get on eventually to the concept of reverse mentoring and all of that stuff.

Q. Yes.
A. But it's necessary to be able to do that and within these hierarchical organisations, where rank is key, is -- it's important that individuals are able to feel that their development means something and what they are seeking to do in terms of raising issues, getting help, getting advice, is seen as important and important enough for their supervisors to allocate time to.
Q. So achieving a cultural change, particularly in a hierarchical organisation, that has to start with an organisation where people can raise issues and ask questions, seek advice and guidance, without fear?
A. Without fear.
Q. Without fear of prejudicing their careers or other aspects of their personal life or professional life?
A. Indeed.
Q. And if we look at paragraph 17, you say:

"Once it is identified that a function needs to improve to achieve a race equality objective, to make sure that people do what is required and bring about the intended change, they may need training so they're very clear as to what is required of them and how it fits into the strategic priorities of the organisation. In this way, you're able to identify concretely the actions that are being taken in relation to the function, what

the results or impact of those actions are, how is it assisting you to get to where you want to be, and if it isn't, why it isn't, and what corrective measures you might want to take. If it is and there are signs of good practice, how does one capture that and if appropriate spread it out across the organisation as good practice?"

Could you help the Chair understand a little more about that paragraph?

A. Yes, I think --

Q. I think in fairness at paragraph 18 below you were able to give us an example of an organisation identifying a function with relevance to race and designing or commissioning training to improve the operation of that function and it was an example from Salford University?

A. Yes. It seems to me that there needs to be an emphasis placed on organisational learning, how that is done, where it comes from, and who is responsible both for capturing it and disseminating it across the organisation. Events occur. They're dealt with sometimes marvelously, sometimes badly. Whether they were particularly instructive and marvelous or they were disastrous, it is important that the organisation understands why, what made them successful, why were they -- why was the matter so badly handled and act upon

that.

So I have been interested for some while in what actually happens in organisations when, for example, someone feels the need to take a complaint to the employment tribunal and the tribunal might find that the person in the organisation complained against has done wrong. They might undermine that the complainant was discriminated against in terms of direct discrimination or whatever. One very rarely sees evidence of what then happens in the organisation, apart from paying out whatever damages the bench might decide should be made in recompense for the wrong that was done to whoever it is. But quite often those same managers continue, if they don't get promoted, and they're still part of the organisation and the way it has always worked. You don't --

Okay, so I have been in universities for God knows how many years, right? And in some cases as comparatively recently I was responsible for assisting the vice chancellor with the strategic management of the organisation, but even in those situations somebody would complain to the employment tribunal, there would be a decision, the decision would be adverse as far as the organisation is concerned, but there is no scrutiny thereafter as to what went wrong, why was that

individual manager operating in that manner and why was that matter not rectified before the complainant had cause to take it externally to the employment tribunal? What are we then going to do with that knowledge and ensure that we fix up, we don't continue with the situation?

That kind of institutional learning very, very rarely takes place and so the aggrieved person is sometimes, okay, they welcome the fact that they have the financial compensation and what have you, they may have lost their jobs, but what is particularly hurtful to them is the fact that in spite of all of that and in spite of paying out all this money, the organisation allows that individual, who was found to have discriminated, to continue pretty much with business as usual, which is why in another arena I have recommended that as far as race is concerned and given how difficult it is to root that out of organisations and systems, the parliament should seriously consider putting in place a race relations register, similar to the sex discrimination register. So if a tribunal finds you to have discriminated against somebody and is making recompense and suggesting that you pay 400,000, whatever amount of money it is, to people, you can't simply walk back into your job or leave that job and be reemployed

to do something else. You should know that if you do those things and you don't take responsibility, you're going to be put on a race relations race discrimination register, as if you were a sex offender on a sex offender's register.

We got to get serious about this matter. I have been dealing with that kind of stuff since 1964 for God's sake and over and over and over again -- I used to be a lay advocate in the employment tribunal -- over and over and over again you see people being called out by employment tribunals and then continuing with their jobs. They've learnt nothing, they care even less, and meanwhile the careers of those whom they have discriminated against are in ruin. So that might not be the business of this Inquiry, but I am saying that if we're talking about leadership and management and organisations, taking responsibility for racial discrimination and combating racism, something serious needs to happen and, in my book, such a register is overdue.

Q. And taking on board what you have just said, Professor, we have heard evidence in this Inquiry about the presence or existence or absence of debriefing, it's called, both in Police Scotland, as they are now, and PIRC where perhaps there was an absence of a debrief

where they did reflect on learning and perhaps lessons were not identified and not learned and is that one of the concerns that you have if those things are not followed through after?

A. Indeed, indeed.

Q. Okay.

A. I mean it's a prime responsibility it seems to me.

Q. I'm about to now move on to a separate section, which is at paragraph 20, "Training, Evaluation, and Monitoring", but I'm conscious of the time. Could you give me a moment, please?

Would this be an appropriate time to conclude?

LORD BRACADALE: We'll take a 20-minute break at this point.

(11.30 am)

(A short break)

(11.57 am)

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Thank you. We've already touched on this this morning, Professor, about the need for evaluation and monitoring after training is carried out and you've told us your views on that. I wonder if I could ask you what you think about a statement that has been made available to the Chair from a woman called Wendy Williams.

A. Hm-hmm.

Q. And it's SBPI 0699, and to give you some of her

background, I think you're aware of Wendy Williams, she's written and signed an Inquiry statement that she's sent into the Chair, she's a qualified solicitor, she was a prosecutor down for the CPS, she was One of His Majesty's Inspectors of Constabulary and Fire & Rescue Services down south. She was responsible for inspecting 13 of the 43 police forces in England and Wales, as well as carrying out joint and national thematic inspections of all forces into areas, including race and policing, in 2023.

She has given us a statement and at paragraph 3 confirms that she is the author of an HMICFRS report, "Disproportionate use of police powers: a spotlight on stop and search and use of force" and she wrote that, authored that. I would like to look at paragraph 6 of her statement, which we can see coming up on the screen, and it says:

"The 2021 report contains a section explaining why diversity training is not enough on its own and what in your view is the most effective approach to implementing training on race in policing."

I'm going to read out a section of this to you?

A. Sure.

Q. And then I'll ask you to comment and see whether you agree --

A. Yes.
Q. -- with what she's said. So it starts on line 3:
"Forces with better overall outcomes"
Do you see that, line 3 at the end?
A. Yes.
Q. "Forces with better overall outcomes tend to approach training from the perspective of improving professional practice. The quality of training, including hearing from members of the public of their experience of the use of police powers and the positive or negative effects, and techniques for avoiding or defusing conflict or providing supervisors with the necessary tools to manage performance effectively are examples. Some forces focus more on quantitative rather than qualitative measures to demonstrate that the workforce was fully trained. Often the content of the training failed to address all the issues relevant to the use police powers and in some forces officers and staff received no refresher training, the assumption being that having received training once, they are now equipped to deal with a wide range of scenarios."
She says:
"The report makes clear that incidents can escalate quickly and officers and staff may have to make split-second judgments which can have positive or

negative consequences. Police forces should therefore promote continuing professional development for officers and staff."

Now, before the break you mentioned sheep dipping, and I see in your statement you say:

"If people are put through the trough you know they are done for the year."

I think that's how you describe sheep dipping in your statement. And you say:

"They get on with business and they come back again next year for something equally unsophisticated."

And we see here that Wendy Williams is talking about some forces focus on quantity rather than quality. And I just wondered having looked at that Inquiry statement from Wendy Williams whether you would agree with what she's saying here about the approach taken by some forces and how that's really inadequate?

A. I think this resonates pretty much with what I was sharing before the break. I agree wholeheartedly with what she's saying in her report. The -- when I said earlier about the lack of institutional learning or organisational learning, I'm really pointing to what I think are organisational culture matters and, again, it relates to what I was saying earlier about the extent to which individuals feel they can raise issues, have the

confidence to do that, knowing that they won't be either victimised or for that matter thought of as troublemakers or whatever else it may be. This and what I was sharing earlier, I see as a much more holistic approach to training and to evaluating, if you like, the impact of training on organisational efficiency, as well as on officer competence.

Those things can't be separated off into different boxes, and I think the more we concentrate on the integrated nature of these particular elements of training and organisational development, is the better people would actually experience training generally and maybe -- well, not maybe -- hopefully, have a less jaundiced approach to it and its -- its consequences for them.

Q. Do you think that you've seen examples in your professional career where police forces have perhaps focused too much on practical skills, officer competence and skills such as Wendy Williams is speaking about, de-escalation, restraint, and matters of that sort?

A. I mean those things are -- those things are clearly very important. What I think people need to bear in mind is how different communities or different parts of the same community have actually experienced police doing those things. In the same division, let's say, people could

experience the police having a totally different attitude to some young people engaging in antisocial behaviour, let's say, on the street. Their attitude towards de-escalation, towards getting people to stop acting stupidly, might be very different for the way they approach a group of white teenagers, for example, as distinct from the way they would approach a group of black teenagers. And there are expectations set up on both sides.

In that I mean by virtue of their own experience as young people, certain young people in groups, or even on their own, might have particular attitudes to a group of police officers coming towards them, which might not be the same for a group of white young people. So it's a matter of understanding, particularly the police understanding, all of that and therefore understanding why it is that they need to be sensitive in their approach to people who would have had all of that as their experience of the police and it is in that sense people take personal responsibility in their operational roles for how the police are seen.

Q. Can I move on to something else that you've raised in this section, in your statement paragraph 24. So if we go back to your Inquiry statement, please, and you've said:

"All three organisations, Police Scotland, PIRC and Crown Office, have resource constraints. Irrespective of those, however, they have a responsibility to ensure continuous professional development. This is necessary for upholding sound professional standards and for assisting all staff in embracing personal responsibility for their own self-development and for using their agency in building a culture of equity and in eliminating discrimination, and the toxicity of racism, Islamophobia, misogyny, homophobia and more."

Now, I think in your statement you then go on at paragraph 25 to comment on an example of an institution providing effective training despite budgetary constraints and you specifically mention Coventry University. Could you tell the Chair a little bit more about this, please?

A. Yes, over the last many years, let's say the last five years or so, there has been within the higher education sector a focus on decolonising curriculum and at Coventry University I was asked by the Vice-chancellor to lead on this particular issue. Things became a trifle interesting when I suggested that you couldn't sensibly decolonise the curriculum without decolonising the institution. By that I mean institutional practices, institutional cultures, institutional

approaches to knowledge and how knowledge is produced and how it is validated and whose knowledge is considered to be more valuable than others, all of that has an impact on how you approach decolonisation and how that translations in terms of what individual lecturers do, the material they use, the assessment procedures they use, and so on. So it has to be seen as an integrative process in that sense.

Not a lot of money was dedicated, if any, was dedicated to the decolonising project at Coventry University, but there were individual members of his staff who were very committed and wanted to share their own approaches to decolonising curriculum. So we organised as a staff group amongst ourselves a number of online seminars, meetings that we had internally to talk about the issues, the academic issues, the delivery issues, the epistemological issues involved in the whole process of decolonising curriculum and the black staff network played a lead in that, a very effective lead. And it was quite important that they performed a kind of coordinating function, bringing members of staff together, teaching staff, or even heads of school and so on, but also students, because the students' union had a number of course representatives and those student reps would be commenting on courses and their delivery and

the dynamics within courses and so on.

So we were able to bring all of that together and look in a rounded sort of way at what the contribution of each of those elements would be to decolonising curriculum and how, from within our own work, we could package this and give guidance to other people within -- across the university as to how to do it in their own areas of -- or their own disciplines.

Q. So garnering the enthusiasm of students, student networks, student organisations and the black staff network?

A. Yes.

Q. Rather than taking individual members of staff away and paying them to do particular pieces of work, but actually building on, can I say, a groundswell of enthusiasm from other organisations?

A. Yes, I mean there's a difference in my view between, for example, organising a conference that brings together academics from different institutions across the land who want to look theoretically at what decolonising the curriculum should mean. There's a lot of value in that, and one might be able to feed into that forum the sorts of things that I'm just talking about. But in terms of the institution itself and how each person with a teaching responsibility or as an academic personal tutor

engages with this agenda is particularly important to look concretely at what people are doing routinely in their jobs and how that has an impact on the way they might approach decolonising the curriculum.

It is like what we were saying before the break, how does one, within this particular function, identify X, Y, Z and what are you going to do about it.

Q. Now, we have heard evidence that there is or some -- some concern has been expressed that individuals who are particularly enthusiastic about something such as racism or discrimination can ultimately find they are given quite a heavy burden, which is not being remunerated, they're not being paid for that, and that that burden can be quite a heavy one over a long period of time. Did you have any concerns about that with Coventry or did you address it in some way?

A. Well, I personally was constantly addressing it, because I have been aware, not just within that institution but generally, about a practice that I have called blaxploitation, spelt BLAX-exploitation, and by this I mean black members of staff, especially as you described, they have their normal job -- normal description that they're working to, but by virtue of their own enthusiasm and commitment to bringing about change within the organisation, they volunteer to do

whatever it is, whether it was in the black staff network or the women's staff network focusing on black women or whatever.

The organisation then comes to expect that from them, not just passively, but it would actually make demands so that person would be invited to sit on this working group about X or Y, attend this meeting with the senior leadership team, engage with the student union or student support services or whatever and they're doing all of that, not as their paid job, but because they bring a knowledge, an understanding from their life experience, including the attempts that they made in their former employment to get change on these particular issues. They're not remunerated, nor are they given remission from other duties in order to do that sort of thing. So they find themselves working until all kinds of hours of the night to do what is required on top of their main job.

And what is even worse, is that when the institution then determines that really this is an area that needs dedicated staffing involvement and they determine that they would recruit to a post that they create, quite often they recruit externally and get somebody in whom they believe have got the credentials to satisfy their job specification. Meanwhile, the person who has been

doing all that sort of stuff for any length of time is sometimes not even shortlisted for the post being advertised. Now, that's a particularly egregious form of blaxploitation.

Q. And when you were working with Coventry University in this area, were there any steps that you took to avoid blaxploitation?

A. There were. I mean there are certain confidences which clearly I can't share here, but there were in the sense that the senior leadership team was made aware that there was need for a post in the particular area, that they needed to identify and agree a strategic role for the black staff network. The black staff network should be able to contribute to the strategic management of the organisation and I discussed that separately in another part of my statement.

In other words, it's not enough to give people £200, £2,000 for a Black History Month event or whatever, or to have a welcome event for new members of staff joining the organisation whom you want to invite to join the black staff network. Unless people can see that there is some point in them joining the network and that this isn't just an opportunity to moan and get things off your chest, then they are unlikely, however much they love you, they are unlikely to want to give their

precious time to coming and sitting and building the black staff network, because it then becomes, you know, your own little support club, as distinct from having any impact whatsoever on the way the organisation does its business or learns from your experience.

Q. So in terms of recognising that this could be a potential problem, do you consider that the leadership being aware of that and taking cognisance of it is sufficient to avoid blaxploitation or do you think there are other practical steps that perhaps could be taken from the very beginning that would help minimise that risk?

A. Okay. Two things about that. Organisations must have approach -- must have an approach to staff development and to staff diversification which results in them investing in the staff that they have already got. Equal opportunity employment is not just about making sure that people wanting to come in could do so uninhibited by whatever barriers might be in the way. It's also about nurturing the people you already have, developing them so that they could become part of the pool from which you recruit. And I can't stress that enough, because I have been in too many situations where individuals come with their experience, they're able to -- they have a presence within the place.

Whenever there's some -- something likely to kick off in one particular area or amongst one group of staff, they are the people who will be called upon to intervene and go and sort matters out. It happens a lot in schools. You may not be the pastoral head, you could be the head of a year group down the corridor, but because you are Ms So and So or Mr So and So and you have developed that relationship with black kids and with white kids and indeed with their parents, you're seen as the person who could be the firefighter and intervene and sort things out.

Nobody would think in terms of developing you in that role, ensuring that you have the opportunities to shadow somebody, for example, as a pastoral head or whatever, and when you want to fill a post, you've done a restructure, you believe that given the rate at which we're growing or the changing ethnicity of our school role, we need to have somebody in post, you then go and you recruit externally, whereas you can build upon the knowledge and experience and understanding of your own dynamics, never mind anything else, that these individuals who have been doing this thing voluntarily for so long actually have and bring them up to a point where they can be recruited to deputy head or whatever, pro-vice chancellor, whatever the position might be.

And it is in that sense that people get taken for granted. Their passion for seeing justice done, because they're black, because they've suffered that stuff, because they're concerned about how -- about outcomes for black children, all of that is sort of taken as given and it is as if they have a responsibility to act in those ways, to deliver those services, to build those relationships, because they're black. I have been in that position myself pretty often, except that I have very little tolerance for it and I tell people where to go.

Q. But there could be opportunities within any organisation, if I'm right in understanding your answer, to identify people who have demonstrated that they have particular skills or talents in an area and from identifying those people, you could tap into their enthusiasm, their work ethic, there could be perhaps a job created which they would be suitable for, they could be promoted to a role which allows them to share that experience --

A. Sure.

Q. -- and those skills? But really it would be about identifying those people in an organisation who have already demonstrated that they have some talent and maybe a good option, rather than turning a blind eye and

looking elsewhere for a set of qualifications?

A. Yes. And as you can imagine, it's also a morale question, a morale not just for the individual who's passed over in that sense, but for others like them within the organisation. It's a mark that the organisation does not value you sufficiently to want to invest in you in those ways. And I mean it becomes particularly unacceptable when you look around at who the senior leadership team is and how bereft they are in terms of their understanding of those kinds of issues.

Q. Thank you. Can I move on to something else that you've touched on today dealing with prejudices, and people in your organisation who have prejudices and aren't afraid perhaps to express them and you've talked about -- and in your statement at paragraph 31 you talk about "people can be given licence to indulge their prejudices". You mention that in relation to the training that you observed after the Macpherson Inquiry?

A. Yes.

Q. And we've heard evidence about people's attitude to training generally. We've heard evidence in this Inquiry from a Sandra Deslandes-Clark, and I think at one point you were asked to comment on some evidence that she gave.

A. Sure.

Q. Now, this won't come up on the screen. I'm reading short from a transcript of her evidence, but we asked her about the conduct of people within an organisation which is perhaps driven by stereotypes and people acting out on their stereotypes that they have, and she said:

"If Police Scotland give officers, in particular response officers and leaders who make policies and decisions, if we give them training and we give them those skills and that knowledge to understand that their reactions may be based on their stereotypes, we'll never ever get there and that's why I keep talking about unconscious bias training or implicit bias. If we're not aware of it, we simply go on doing what we've always done before. And so I think the role Police Scotland can play in making people aware of these biases that we have, we're born with, we live in a developed first world country, you're exposed to television, people begging, minority ethnic people, and you have those little stereotypes in your head and they'll never go away. I think it's the responsibility of the service to educate people about that, to give them time to sit down and process those thoughts and to give them the tools to identify when they're doing it, give them the tools to address it and that's the role they can play, because it's involved in almost every interaction that you have

with the public."

And the Chair asked Ms Sandra Deslandes-Clark:

"If having done all that, so if having delivered the training and if having made people aware of their biases and the stereotypes they're relying on, if that conduct persists, how do you deal with that?"

And she said:

"Well, they call me affectionately 'Sack Them Sandra'. I am thinking that maybe this, the Police Service, isn't for you. There are some people who are too focused, there are some people who are untrainable, in other words, and lack the necessary understanding of why the police is important, the office of constable is so important. So there are some people who I think are just not fit for certain roles and I know that may sound harsh, but in reality it's for every job and there are people who are not best suited for it. And I think in the 21st century policing there are a set of values and a set of characteristics that are necessary to do that job."

Now, do you have any thoughts or comments about that evidence that we've heard from Ms Deslandes-Clark? Do you agree with her?

A. I'll endorse it 100 per cent. I thought her evidence was particularly useful to the Inquiry overall.

I've talked a lot in my statement, and indeed in my remarks so far today, about taking personal responsibility and I want to broaden that out in the context of how organisations ensure that they are respecting the rights of individuals who work for them or whom they are in business to serve in communities. And you will know that throughout my statement I make repeated reference to the relationship between equality legislation, equality and human rights legislation, and organisational culture.

My professional position on that is, and has always been, that organisations should have as their primary objective building a culture of equity so that anybody, whatever their profile, could expect to experience the organisation as equitable. But then organisations operate within society where there are all kinds of divisions and discriminations on the axis of race, or gender or class or whatever else it might be, and people come in to those organisations with all kinds of dispositions. I mentioned earlier the BBC Secret Policeman documentary, for example.

What the law does is to assist the organisation in ensuring that it can meet the -- deliver the rights and entitlements of everybody by requiring each person who works for the organisation to understand that it is

through what they do and how they do it that that is done. It means therefore that individuals have got to understand that irrespective of their disposition, you might not like me as a black person, you might not like black people, you might not like women with children, you might not like women who are of an age where they are still childbearing, but that does not empower you to discriminate against them because your interest is in not having your employment or your services disturbed by people going on maternity leave.

So the organisation constrains individuals to operate in a certain manner and if you feel that you can't abandon your prejudices or you believe that all of this EDI stuff is a whole heap of hogwash, then it means that you have no right to be in the organisation. So 'Sack Them Sandra' is absolutely right, you just sack them. You make it clear that whatever other qualities and skills you have, my friend, you cannot continue to operate within this organisation if you refuse to accept responsibility for respecting other people's rights and not discriminating against them, pure and simple.

Q. And that would apply equally not just to the police service, but also to anyone in an organisation such as PIRC or the Crown Office?

A. Absolutely, absolutely.

Q. Can we move on now to look at modes and frequency of training, paragraphs 34 to 47 of your Inquiry statement. So here you've discussed modes and frequency. I would like to begin with paragraph 37, if I may, primarily (a). And you talk here about certain modes of training and the first one you mention here is:

"Scenario-based training involving exploration of race as a factor in the way the event unfolds or and is dealt with, including by first responders, body-worn cameras, CCTV footage. These are a good source of material to be examined in such training."

Now, the Chair has heard a number of witnesses talk about scenario-based training and the benefits of that. We've heard evidence in fact last week from a Martin Graves, who is an officer safety training expert, and has been involved in training in relation to the practical aspects of training. He spoke about the benefits of this method of delivery of training compared to other ways of delivering training and he spoke about the scenario-based training could increase realism. He said it could maintain safety within that heightened realism scenario. He talked about it allows a degree of resistance from a subject to be demonstrated and practiced. He said it can sometimes trigger an officer's response and that could then be talked through

and discussed in that safe training environment, but it was a much more realistic type of training which can then be applied by the officer when he goes out on operational duties.

Is that the type of thing that you can see working with the training you're talking about, race, discrimination, equality and diversity, things that incorporated into scenario-based training?

A. Yes, it is what I'm talking about. A great deal of course depends upon the skill or skills and knowledge of the trainer, because it's -- it's an interactive process, obviously, and that means that individuals -- different individuals might make -- derive different meanings from what they are seeing or might want to relate what they are seeing in the scenario-based training to events in their own experience. "On such-and-such a day two months ago, I on duty witnessed this or I was called upon to do that or whatever."

So there is always an interaction where people are relating their past experience to what it is that they're being taught. Sometimes it assists them in understanding better what was happening in that experience. Sometimes it might raise questions about what is being suggested to them, because as far as they're concerned what is being suggested to them does

not allow for the nuances in the situation that they were a part of. So this is why I'm saying it depends very much on the skill, the competence, the knowledge, of the individual trainer. It's a facilitative process.

Q. Martin Graves gave evidence last week on Day 118 of the Inquiry and he said:

"They're designed to implement the behavioural changes in an officer or a pair of officers when dealing with set situations. It's very easy to sort of teach somebody a new skill. When you ask them to then apply that skill in an operational context, lots of things can go awry and go wrong. So the idea of simulated scenarios or testing them under a degree of pressure to get their heart rate increased, to get them to be able to respond correctly during times of stress and conflict is a valid tool to be able to test that behavioural side and also test things like their communication skills, their ability to manage conflict, and use the correct type of tactics and terminology. And it's then a good tool afterwards for them to be able to explain and brief the trainers in relation to their decision-making process. So there's an awful lot that can come out of scenario-based events, not least of all the pressure testing of their skill and ability to talk to people and their ability to use de-escalation tools to resolve that

situation."

And do you agree with Mr Graves?

A. I would agree with all of that.

Q. And do you think that training about discrimination and discriminatory attitudes could perhaps be flushed out or discussed and approached as part of scenario-based training?

A. Yes. Again, if depends very much on what scenarios are thought to be useful and relevant in that situation and what the trainer want the outcomes of that to be. One of the reasons why I stress the issue of the skill and understanding of trainers is that those situations are complex and they're dynamic and they're operating within a context where, specifically within organisations such as the police, they're not routine conversations.

We all know that race engenders all kinds of anxieties in people. They don't like to talk about it. Many people are uncomfortable talking about race, many people don't have the language with which to talk about race and racial discrimination and what have you. So all of that has got to be taken into consideration when one is going to deal with stuff like that. Some individuals might have some very real anxieties, but are petrified at saying the wrong things or calling people by the wrong names or whatever else it may be. And if

they stay with that and it's not expressed, it's not externalised, they might leave the training in even more confusion than when they came.

So it's very important that the trainer has the capacity to put people at ease, make sure that they're operating within a safe space and people can be confident that they won't be considered stupid, they won't be considered racist, bigoted or ignorance or whatever else it may be, but that they genuinely want to equip themselves with the knowledge, the skills, the understanding, in order to do better what it is they're employed to do.

Q. If we're looking at training that would help make people comfortable in a secure environment, to make them comfortable talking about race, without judgment, it makes them more able to learn and to absorb that training?

A. Yes.

Q. And do you think scenario-based training in that training environment could be of benefit to people to make them more comfortable and make them more able to learn about these issues?

A. But it will never be a quick fix.

Q. No.

A. It -- it -- it is a method which can't be considered to

be sufficient in itself and it's got to -- it's got to be part of the whole battery of other stuff, some of which we have talked about before today.

Q. It shouldn't just be the training aspect. It shouldn't be seen in isolation, there's a wider context here?

A. And when those people leave that training and go about their daily business, other things would emerge and, you know, they would be able to reflect upon it. They might want to apply that training to new situations that they find themselves in and they need to have an opportunity to do that. That's what I talked about when I talked about training being, if you like, building blocks of, you know, a much -- a much bigger more rounded edifice, so to speak.

Q. And you also in your statement talk about other types of training and the impact that can have and one of them is at 37(B), see the start of it. I would like to move on to that:

"Hearing stories of people's lived experience, including police officer's accounts of what they did in certain situations, how that was viewed by on lookers or/and by their colleagues and what they learnt from it and what they would do differently."

So I think you're talking not just about lived experience from officers or members of the public who

have had poor experiences, but also from officers who have handled things, perhaps officers who have handled things well?

A. Yes.

Q. That could be part of the lived experience training. We have heard some evidence in the Inquiry about training which has been conducted within Police Scotland about lived experience and we've heard from a Conrad Trickett sometime ago, Days 45 and 46 of the Inquiry, and Conrad Trickett talked about his personal experience when he was, I believe, doing post-incident management training and he talked about doing -- learning from hearing from someone who had lived experience. And I think he said it was a particularly powerfully way of absorbing and truly comprehending the impact of that.

We've also heard from Fiona Taylor, former Designated Deputy Chief Constable, and she talked about her involvement with the Independent Review Group who are associated with Police Scotland and her own experience of hearing from people who have lived experience. And she described being -- and the word she used was "shocked" about the situations that she was hearing about and learning about and talked in some detail and this about the impact that that had on her personally in relation to lived experience.

Now, that's just two examples that I'm giving you of officers who have said that -- that was very powerful evidence they heard. Do you have any thoughts about perhaps the experience of lived experience training being rolled out onto broader wider scale and the benefit of that or do you think that sharing that with leaders in the service is sufficient?

A. It's difficult -- it's difficult to answer this because there are so many "it depends".

Q. All right.

A. For one thing, there are all kinds of nuances. You and I might have the same experience -- well, put it another way. We might both witness an event and have a completely different experience of it. We might want to talk about it, although we both were part of it in different ways, and that for a whole number of reasons. Hopefully, we would agree if we're talking about an incident involving a couple of individuals that, yes, that person was wearing white trousers, rather than pink, or those kinds of details. But in terms of how the actions of the individual were experienced and understood by myself, that would depend upon a whole number of things to do with my own prior experiences, the stereotypes I have, the tropes that I might be walking around with, or the degree of sensitivity I have

to the individual, whether it be in terms of their being motivated by fear or stress or whatever else it may be. And in situations of encounters between the police and the public, that becomes a big deal.

So it's not -- it's not easy to talk about those things in not even absolute terms, even relative terms, because the number of nuances are huge and part of the process therefore of the training using that kind of method is to be able to point to the fact that there are many nuances, identify them, and begin to address them. So it depends on whether the objectives of the training lend themselves to that particular method. It may be -- it may be valuable, productive, or it may not be. So you have got to ask all of those questions, what are the intended outcomes, what do you want people to learn, what do you want them to bring to the engagement and the learning exercise, how does that relate to the roles that they would perform or perform on a day-to-day basis and how does it assist them in performing those roles more competently, more sensitively, or whatever?

So the planning of the training and therefore determining the methods that are most appropriate is a key part of the whole process.

Q. So it's not as simple as saying, we've got a quick fix here, we're going to have a session where someone has

lived experience and they will share that with a large number of staff. That does not -- that is not what you are envisaging when you're talking about rolling out training that is going to fit in with the organisation and be focused on the goals and the functions of the organisation and then be used by people and make a difference to their behaviour when they leave the training room?

A. Well, again, as I said, it depends. I can see a situation where, for example, if you had traffic officers talking about a pileup on a motorway or a dual carriageway or whatever and scenarios arising from that, it can be very useful for others to get an understanding of the whole gamut of stuff that's involved there and how officers acting in a fast-moving situation deal with those things, whether it be in terms of people being deceased and having pets in the car or whatever or having to work with the first responders, paramedics, fire service or whatever and so you can talk about the whole number of things.

Dealing with the relationship aspects of them, as distinct from how do you makes that you record X, Y, Z on a form about the particular elements of the incident and that could be very, very valuable, but again, it depends very largely on what it is that one wants to

portray, how you want to enable the individuals who were involved to use that opportunity to share their experiences and say what learning they derived, what they knew before then, what was totally new to them, how they had to operate in that new situation, and what it is that they would want to say to their colleagues, having been through that?

Q. This morning you talked about, for example, a white person born in Glenrothes or Cupar brought up at school in that area with perhaps limited contact of -- with black members of a community. Is there some merit in lived experience training or contact with people who have lived experience perhaps assisting to fill a gap in the knowledge of staff such as the one born in Glenrothes of Cupar?

A. There could be. I mean even by people identifying what they did not know and how valuable it would have been to know it. Pretty simple things, do you shake the hands of a Muslim woman, do you shake the hands of a Jewish woman? And in terms of family liaison, which we may come on to, these kinds of things become quite important. What are the habits, learnt habits, that you have been socialised into that you're bringing to a situation where cultural customs, based either on religion or not, are totally different to your own? How

do you begin to ensure that you are sensitive to people's lives and the way they organise themselves domestically or generally? So -- and these are real situations and people have real experiences of those sorts of things and of whether they get them right or wrong.

So and you must be able to discuss those kinds of things in a pretty matter of fact way, acknowledging, as I was suggesting earlier, that most of Scotland would be socialised into some cultural habits and expectations, et cetera that are not commonly shared by the whole population and not just on the axis of race or ethnicity, on the axis of class, you know.

Q. Yes.

A. The experience and habits of lairds and crofters aren't necessarily the same.

Q. Could you give me a moment, please, thank you.

I'm about to move on to another topic.

LORD BRACADALE: We'll stop for lunch and sit at 2 o'clock.

(1.00 pm)

(Luncheon adjournment)

(2.06 pm)

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Thank you.

Before lunch we had turned to modes and frequency of

training and we had spoken about scenario-based training?

A. Yes.

Q. And training of that sort. I would like to move on and ask you for your thoughts on e-learning, so online learning. We have heard evidence in the Inquiry about for example, Moodle training within Police Scotland, which is an online training programme that they have introduced and we have heard from a number of witness, including Graham Dursley, way back on Day 42 of the hearing, that this is a compulsory course and it's all done online on the computer and you're aware of that training programme?

A. Yes.

Q. Thinking about Grahame Dursley's evidence first of all, which was in March last year, he said that -- I asked him if this could be done within police hours or is it done outside police sort of hours and if it's done outside, where they paid for that and he said:

"I don't think they will be. Some of them sometimes do extra Moodle. You know, sometimes I have sat and you work on it maybe an hour or two just to get it down to make sure you're doing that, but you won't necessarily do that. However, at the same time, we're trying to give officers time to do these Moodle courses, but,

again, it's not easy to fit it in. You have to be honest and say it's not."

And I'm interested in any thoughts you have about online training as a means and a method whereby officers, for example, are trained and given information about things like equality and diversity, race discrimination, that type of thing. Have you any thoughts on online learning?

A. Online learning clearly has value depending on what is it one is trying to get over, what do you want people to learn, and how factual the learning is, as distinct from matters which necessarily are more discursive. In one sense, it's a poor comparison, but it's almost like quantitative and qualitative methods of research or whatever. You can quantify certain things, you can demonstrate that you know the elements of a particular practice or whatever and you could be tested on that once you're given the information, but for matters which, as we were discussing before lunch, require interaction, both in order to enable people to express and share meanings, concerns, understandings, or for that matter to gain guidance, online training is not -- is not appropriate, so it really -- it really does depend.

I mean you can do -- if you're wanting to pass your

driving test, you can do the theoretical bit of that stuff online and you either know it or you don't. In relation to matters of racial discrimination or gender discrimination or whatever else it may be, there are too many nuances involved in that and there are too many things which people need to test out themselves and be given assistance with for online training to be -- to be useful. Maybe when AI kicks in with a vengeance it might be different, but in relation to what we're talking about right now, I would say one has got to be very careful as to which parts of training you do online.

Q. We also heard evidence from Sir Iain Livingstone, former Chief Constable, on Day 113 of the Inquiry on 28 June this year, and he was asked to look at an interim report that had been prepared by the Equality, Diversity, Inclusion and Human Rights Independent Review Group, known as the "IRG", and it was a report that was given to the Scottish Police Authority in May of last year and he -- we quoted part of this report on training and development to him and asked him for comments. I'll read this out to you, we can't have it on the screen, it's actually from the evidence, and then I'll ask you some questions about, it if I may?

A. Sure.

Q. The quotation from the IRG report, at that time, on training and development read:

"The use self-directed learning via Moodle was almost universally criticised amongst those we have spoken to. It was repeatedly referred to as a tick-box approach and easy to work around. While it was seen as having some value in relation to technical or factual matters, such as changes to legislation, it was considered to have little or no value in relation to raising awareness of EDI HR issues and driving changes in attitudes and values."

So that was a quotation from the IRG report and Sir Iain was asked about that in evidence and he said that there was scepticism about it and resistance to it which he thought at times was unfair. He said:

"Properly put together, there is a role for e-learning and our ability, as I have said, to deliver across a third of the UK landmass to each and every member of our staff, but that needs a level of flexibility. So we needed to continue it, we needed to make sure it was more engaging, improved as a quality product and that it was supported at the right time face-to-face where you have got more of that personal intimacy that can develop training."

He said:

"E-learning and remote training, I don't think the challenges around that to make sure the product is fit for purpose is not confined to policing, but it's something again that I think is legitimate for us to continue to have used it, but to make sure it was appropriate and at times also implemented face to face. People delivering the training would probably start with that, because as everybody knows you're on a training course, one of the things you get at the end of it is giving us feedback; what was good, what was bad."

He spoke about that in the context, obviously we remember Covid-19 and lockdown, and training being delivered maybe not in a face-to-face environment and, obviously, he's talking about delivering training across what is a third of the UK landmass within Police Scotland, which is the second largest police service in the UK, as we've been told.

So do you have any thoughts about that evidence from Sir Iain or any comments that you would like to make in addition to that?

A. I mean I could understand the difficulties in terms of physically getting people together to facilitate the interactive training which I am preferring, so to speak. But I really do believe that the downside of online training has got to be understood. It could have a very

negative impact and it could engender cynicism on the part of a lot of people. By that I mean, dismissing it as something you could get around, to use the words of that report, or seeing it as a task to be accomplished and once you accomplish that and you tick the box, you know that you have done it, so to speak, and it could be taken into account in someone assessing the amount of training you have done.

What that does not do, obviously, is to interrogate how you learnt in the process, how you are applying that learning and the stuff we talked about earlier today which I don't need to repeat. So what I would say about it is that it is -- it is appropriate for training where people are required to remember facts or a set of procedures and can tell you what those are, why they are important in terms of occupational practice or whatever else, but as far as I'm concerned, that's about the limit of their usefulness.

Q. We have heard from an Andrew Mitchell way back on Day 35 of the Inquiry on 1 February 2023 and he said he was "very kind of old school":

"I'm a very kind of old school face-to-face teaching from when I taught at the university. I think on line Moodle packages have their place, ie distance learning and things like that, but in policing it's quite hard to

keep track on how much degree of knowledge is taken in."

And that sounds like that's a concern you have about how much are people actually taking in if they're doing online courses?

A. Yes.

Q. Yes.

A. Especially if there are no means in the process or at any stage of actually testing that.

Q. Yes. And can I ask about modes and frequency of training in relation to organisations such as PIRC or Crown Office. Would you have similar concerns about online training as a method of delivery in relation to those organisations as opposed to the police?

A. Well, again, if at the training is about equality, diversity issues, or about the policy context of equality and human rights legislation, for example, that requires so much interaction, it has to be discursive. All right, I could devise a training course, an online training course, where I take people through the evolution, if you like, of antidiscrimination legislation in this country and give them some facts.

There was an organisation called CARD, the Campaign Against Racial Discrimination. In the middle 1960s it did X, Y, Z. That led to the enactment of the 1968 Race Relations Act, et cetera. People go away, memorise

that stuff and maybe be able to reproduce it back to you without too many errors. I could then go on to talk about at the 1976 legislation, what the general duty meant, what specific duties were, et cetera, which were articulated in the 2000 Race Relations (Amendment) Act and so on.

So you can do all of that and people can gain factual knowledge, but if, whether it be in Police Scotland or COPFS or PIRC, you want people to talk about how that informs the practice, the decision-making, what are the pitfalls they can see in carrying out investigations, against that background, what should people who are the investigators, especially lead investigators, what should they know, what should they be bringing to the process? That's -- that's a different matter.

And you might outline a number of things to do with all of that which people, again, can learn, but I would suggest that would be a pretty limited value if you can't within a group, especially at that level of investigation of being investigators, if you can't bounce off things on one another, have your assumptions on which you would base certain judgments and decisions, question and so on.

So again, I would repeat that online learning is

best in dealing with more mechanistic things and acquiring factual knowledge about this or that, but in relation to dynamic situations, such as are assumed at least and covered by race disability, gender, discrimination and so on, you require something much more challenging than that.

Q. When we think about limitations of online learning, it would not provoke discussion, challenge assumptions that perhaps existed, it wouldn't permit for questions to be asked and addressed and it also wouldn't allow students to discuss real-life scenarios and to address and share knowledge about how best to deal with those?

A. All of that.

Q. Yes. Okay. We've heard from one of the lead investigators with PIRC --

A. Yes.

Q. -- on Day 82 of the Inquiry, February of this year, and he spoke about training within PIRC. And we talked to him about PIRC investigations and following the procedural requirements in terms of Article 2 --

A. Hm-hmm.

Q. -- of the Human Rights Convention. And he said that that type of work, that investigatory work, was integral to PIRC and the investigations they carried out. And I asked him, "Is that something that is trained to staff

when they join PIRC?" and he said:

"I don't know whether you would actually call it trained to staff, because we have an induction process for all new staff but that is largely to teach them the way PIRC operates, HR, and all that sort of stuff. But if they join investigations, if they do not have previous experience, certainly we walk them through our process and the reasons for it. A lot of it becomes on-the-job training, but they certainly become aware of it very quickly."

And I would like to ask you about this idea of on-the-job training, because we have heard from witnesses in PIRC at that time who've talked about training, but I think if I can summarise it, it was quite limited, and there was an attitude that many of them were former police officers and would have been trained with the police, maybe with legacy forces or Police Scotland, and there was an emphasis on on-the-job training. Do you have any comments to make about that as an approach to training in the area you're working in?

A. It's very important for an organisation to be able to say with a high degree of accuracy what individuals have been trained in, the training that they did before, how it was done, what they learnt from it, what they think

they're bringing from that past role or roles into the new situation. What disturbed me, having read the PIRC stuff, was that it was being assumed almost, without actually stating so in terms, that by virtue of having been with the police or with the army or army police or whatever, individuals would come equipped with the necessary skills, orientation, background, to do investigations in PIRC.

I'm not quite sure that unless you scrutinise in granular form what that past training experience was, the context in which it was done and what have you, you could assume that however stellar their achievements might have been, people who join in PIRC as investigators have the right orientation, knowledge, understanding, to be able to do the job that they're being asked to do. It's assuming too much is what I'm saying. And if the public are to have confidence in PIRC as an organisation, it needs to be assured that when something serious arises or whatever it is that PIRC does, PIRC itself knows that the people who are actually carrying out those investigations have got the knowledge, the understanding, the competence, to be able to do that.

Q. And do you think that or have any views on the idea that on-the-job training, either from fellow colleagues or

from just the experience of carrying out an investigation, do you have any views on whether that would be sufficient to fill a gap, where a gap existed on training? I'm thinking of course of equality, diversity and inclusion training.

A. Well, it won't be sufficient in my view, it could help. That is assuming that, for example, the leaded investigators in the team have themselves reflected on those issues sufficiently and not just relying on the fact that they themselves went through equality and diversity training. It's more complex than that it seems to me.

Q. If their fellow investigators had not had training or significant training in that area and had not sufficiently reflected, would that also cause you concern about the ability of that on-the-job training to plug that gap of knowledge?

A. Indeed, it would, because in my view on-the-job training is not enough to fill a vacuum. It can help you build upon something, but fundamental principles are important.

If I don't know the first thing about maths, and it's questionable if I do, sending me to an accountant as an understudy to do somebody's tax returns, et cetera might teach me a certain amount of stuff, including how

to handle stress, but it need not necessarily equip me to do the work of an accountant. In other words, what I'm saying is that basic principles are important, understanding the context within which you're doing what you're doing is important, and that context is societal.

It is to do with, for example, the historical relationship between communities and the police, whether they be working class communities, white and the police, or communities in which there's a tremendous amount of substance abuse, you know, communities with drugs problem or whatever it is. So context is very important and the context gives rise to the work quite often. The context helps to create the parameters for PIRC's work and to understand that to me is critical. Where that understanding comes from, how it is engendered within the organisation, and how individuals are equipped to be comfortable in their knowledge and understanding, clearly become crucial issues.

Q. Thank you.

A. And so what I'm saying is that to configure training, its purpose, its content, it's intended outcomes, its methods, you want to take all of that stuff into account.

Q. We also heard from Mr McSporran on Day 84 of the Inquiry, 27 February this year, and he spoke to an

Inquiry statement that he had given to the Inquiry, paragraph 167, and he was asked:

"You were asked if you had had any training during your time at PIRC in relation to investigating an allegation where race was a factor and the conduct of Police Scotland."

And his answer was:

"I had no specific training on this matter."

Now, you have talked about identifying the functions of an organisation, we have talked about PIRC, their investigations into the actions of the police. Do you have any thoughts yourself about where PIRC and their investigators are carrying out an investigation into the death of a black man who died after restraint by the police where the lead investigator had no specific training on investigations where race was a factor? Does that cause you concern?

A. It causes me a lot of concern.

Q. Can you explain why?

A. As I said before, the way in which individuals experience groups and institutions in society is critical. What we know about the relationship between the police and different sections of the population is important. Police Scotland, PIRC, we all stress the importance of trust and confidence in the police by the

public. We stress that routinely and for good reason, it's the basis on which Peel, and those who came after him, determine that policing as a function could take place in a sustainable way within society.

So therefore the assumptions that police officers bring to their interactions with black people, they may be different assumptions for black women, rather than black men. There are all kinds of issues to do with the way black men are perceived in terms of build, strength, stature, aggressiveness, all sorts of things, and some of them are pretty damaging stereotypes. An investigator must be able to look behind the actual facts -- this person was restrained, PAVA was used, tasers were applied, whatever it is -- and be able to -- to understand the scenario in which that is actually happening in relation to how confident the officers felt about what it is they were doing, whether they were using those props, so to speak, or tools for ensuring their safety as a result of their stereotypes about the individual subject or because they did not have the skill and competence to de-escalate, assuming that the situation lent itself to de-escalation or whatever, and you have got to make all of those sorts of judgments.

In another case that I'm dealing with currently, I was surprised to find an investigator saying, a lead

investigator saying:

"There is no evidence that the officers concerned used racial slurs or discriminatory language in their interactions with this person and, therefore, race cannot be considered to be a factor."

Now, I was -- I was not just concerned, I was distressed about that, because for a lead investigator to be able to say, unless somebody is calling somebody else a "nigger" or a "wog" or whatever else it may be or using some other racial slur, there can be no evidence of racial motivation is simply stupid.

Now, how would an investigator know that that is stupid? They need to be -- they need to be able to understand the entire context of racism and how it manifests within society at the levels I describe in the paper at a structural level, a cultural level, an institutional level, at a personal level, and gain an understanding of all of that in order to be able to come to some judgments or at least to test your assumptions about what was actually happening in that situation.

Common sense, because it is not so common, it's not enough.

Q. And can I just add to anyone listening, you're using these words as examples to explain your reasoning?

A. Yes.

Q. We don't want to cause offence to anyone who may be listening.

A. No.

Q. Of course not.

A. I understand that.

Q. Am I right in thinking that if you are looking at designing a training programme, say, for example, for an investigator who may be asked to deal with an investigation where race is or could be a factor, that your thoughts are that it would be absolutely essential for that person to be trained in so they can understand the full context, so that they can look at the influence that stereotypes may or may not have played, what part they may or may not have played in that incident, and that if training is to be designed, it should be designed to help the investigator do their job better, but what would be the mode or the method of training that would best allow that to be done? We've talked about online training; we've talked about lived-experience training; we've talked about scenario-based training.

Do you have any thoughts about the best type of training that could be put in place to help a future investigator investigate the death of a black man after coming into contact with the police?

A. Well, let me say this. Thankfully, the roll call of, within brackets, "deaths in custody", I have problems with that designation.

Q. Yes.

A. The roll call about deaths in custody or deaths after contact with the police involving black people in Scotland is not as gruesome as it is in England, thankfully, but that's all the more reason why there should be some evidence of Police Scotland, and the Scottish judicial system generally, learning from and engaging with what has been going on in England since David Oluwale was killed by West Yorkshire Police in 1969.

And why am I saying this? It's easy enough for Mr McSporran, and I read his evidence, to say, well, people may have been trained in their other roles before they joined us, that's an assumption we're making, or that this sort of thing hasn't happened before and there is no way anybody could conclude that we do not have the skill and the capacity to deal with it, even if it is the first time or whatever as it may be. Each of these organisations, COPFS, PIRC, Police Scotland, should see themselves as learning organisations. England is not North Korea, thankfully, and it is just down the road, right, and as far as I'm aware Scotland is still part of

the British Isles.

So if you have Cynthia Jarrett, Joy Gardner, Roger Sylvester, whom I was related to by marriage, and so many -- you heard from Sean Rigg's sister, Marcia, and so on and Deborah Coles could give you a longer roll call than I can from Inquest. If you have all of that stuff going on and each of these incidents, events, being investigated, by the IPCC, Independent Police Complaints Commission and its predecessors and then its successor the Independent Office of Police Complaints, IOPC, then surely whatever investigating team operates in Scotland should be connected with -- I'm not saying that the method should be identical, but they should be connected with the story of how these events are unfolding in England, and there's enough evidence of that.

So there is no excuse, in my view, for PIRC not to know what the contentious issues were in each of those that I have referenced, how they were dealt with, what issues, what training issues did they give rise to, what legal issues did they give rise to, and how can we in Scotland make sure that were such events to occur in our territory, we've learnt something from all of that, can train ourselves better, prepare ourselves better, and the contours of our relationship with Police Scotland,

with the prosecutors, could be such that with are confident about a level of understanding among the three -- among the three bodies. I mean, you know, it's not nuclear science.

Q. Is it fair to say that the key is to learn lessons from these other investigations where people have died and regardless of how the method of delivery of that training is ultimately completed, but the key is to learn the lessons and not simply not discuss them or not talk about them or ignore them completely?

A. Absolutely, and among those lessons, among those lessons, are the frustrations of the communities involved. It matters that there is a United Friends & Families Group that Marcia Rigg is one of the leading members of. It matters that the black or black and global majority community in the south, in England, consider it appalling, if not totally scandalous, that in all of these deaths since 1969, and there has been hundreds of them, there has been only about two successful prosecution of police for misconduct or whatever else.

In other words, in my own experience, there has been a process of normalisation of this thing called "deaths in custody", which the whole society has been part of, party to, has learnt to live with and it is totally

unacceptable.

Q. Thank you. And you mentioned there the three organisations. Do you see a role in the future for training that may transcend those organisations or bring them together so that there is shared learning between the police, PIRC and the crown and not simply have training in silos for each individual organisation?

A. Well, clearly, the training has got to relate to the function of each of those three, obviously, for all the reasons that we have rehearsed already today. But it is important in relation to some of the matters that I have just been sharing with you, with the Inquiry, it's important that to grow that level of awareness and common understanding that those three organisations are able to come together, train together, examine those issues together, and see how it relates to their respective functions. I think that's pretty quite important.

And if this Inquiry leads to one thing, I would hope it would be that, that there is this understanding that these organisations cannot work in their own individual silos, but need to grow their awareness of what is happening across Scotland generally in the criminal justice arena and particularly in relation to the relationship of the respective ones of them to the

growing black and global majority population there is here.

When I first started working here over in Auchtermuchty in 1975 or whatever it was, doing medical research, the demography of Scotland was very different. Perth and Dundee, even then, were pretty mono-racial. Glasgow was different for a variety of historical reasons. But what I think I'm saying is that one can't continue as public bodies as if the presence of people of the black and global majority community is simply an aberration or a temporary irritation or inconvenience. It therefore requires a level of reset, review, adjustment, so that everybody could be confident that they are able to deliver a service of equity to every section of the population, and that's particularly true of schooling and education, as it is of criminal justice and employment and whatever else.

Q. Can I ask you about some evidence we heard from Mr John Logue, now the crown agent at Crown Office, and this was on Day 96 of the Inquiry on 23 April of this year and he described some training materials that they had in Crown Office. He said:

"Crown Office had and continues to have on a range of guidance materials on equality, diversity and inclusion available on its staff intranet. There's a

knowledge bank [he's talked about] available to staff in Crown Office, which contains documents that can give guidance or advice to members of staff in the roles that they're performing in Crown Office."

And he talked about diversity awareness training in 2004 and he talked about this in his Inquiry statement at paragraph 108 and I asked him to tell us a little bit more about that course, the diversity awareness course. He said:

"My recollection is that that was a training course that was established by the organisation and was mandatory for all staff. If I'm remembering correctly, it was part of the Service's response to the failings in the Chhokar prosecution."

A. Yes.

Q. "... and the two reviews which had followed that."

Now, we had heard other evidence about the reviews, one was carried out by Sir Anthony Campbell and one was carried out by Raj Jandoo?

A. Yes.

Q. You're aware of those.

"And it was important that every member of staff in the organisation understood the findings of those reviews, understood what needed to change in the organisation and also that staff were given what I might

describe as the fundamental training on the issues of equality and diversity in terms of dealing with the public in performing our duties, as well as aspects of how that also would impact on equality within the workplace. So it was a broad range of issues, but it came out of, I think I'm right in saying, given the timing, it came out of those reviews to do with the Chhokar death, his murder."

Can I ask you for any thoughts you have about that as a description of training within Crown Office and any concerns that you have about that?

A. The reviews, as far as I'm concerned, were very helpful and the care with which both authors carried out their work, I would have thought would have been very beneficial to the crown and indeed Police Scotland.

It seems to me that two things need to happen in situations such as those, one an understanding of the reasoning within the report that led to the particular findings and recommendations, because that takes you back to the evidence on which those findings and recommendations are based. And secondly, the ability to do the organisational review, interrogate the organisation, not only to see the link between its continuing practice and what is in the report, but to find ways of organically using the findings and

recommendations to bring about improvements.

So before one could actually start implementing the recommendations, one has got to go back and really review how the organisation is configured, what it is doing, what its current training programmes amount to and result in, and how therefore, having looked at all of that, mapped it and understood it, one could best and more productively apply the recommendations that are made in the reports.

Now, the sense I get in all of this is that organisations talk about time and time constraints and in some cases, maybe in all cases, resource constraints, but then you can't have -- you can't be sanguine about your competence, your competency, your ability to be efficient and successful in your dealings with any disparate group of people or events, if you don't go through that process. It is -- it is -- it is a strategic function and it has to relate to your strategic priorities and how you determine those priorities it seems to me.

So the -- what was described by Mr Logue is in my view pretty important, however many weaknesses in the end there might have been found to be involved in that. It is -- it's quite important -- it's important that the organisations took that approach once they had the

reports available to them, because having read them pretty carefully, I mean I knew about the Chhokar case for God knows how long, but I found the reports to be particularly helpful.

Q. So you do see merit in an organisation learning from reviews or reports which directly impact on their work?

A. Sure, absolutely.

Q. And although there may be flaws or failings in relation to each individual course, the fact that they're rolling out training in relation to that is beneficial and useful for that organisation to do?

A. Yes, indeed, and I would like to think that there is evidence of that in the way -- you may come on to it later -- in the way family liaison officers were trained after Dr Jandoo's report.

Q. Yes, I think we have heard evidence in the Inquiry about Dr Jandoo's report primarily in relation to family liaison and that that in itself did lead to certain changes, positive beneficial changes, in that regard?

A. Yes.

Q. Can you give me a moment, please. I'm conscious it's now nearly 3 o'clock.

COURT: We'll take a 15-minute break.

(3.00 pm)

(A short break)

(3.22 pm)

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Thank you. Professor, before of the break, we had been discussing a number of issues regarding training, but I would like to move on now to the frequency of training and you talk about this in your statement at paragraphs 40 and 41, so I think if we could bring that up on the screen. And you'll see that the Inquiry team asked you about your views as to the frequency of training:

"I want to link that to what I have said about evaluation and how training needs are identified. In most staff appraisal schemes, there is a section where the individual line manager makes comments about the person and whether they believe that that individual would benefit from this, that or the other kind of training. It's always very useful, because the individual line manager, if he or she is diligent, can see the potential in the individuals and might actually encourage them to go into this area of leadership or whatever and might want to signpost them to the appropriate training in order to enable them to get there."

So is this another element of that appraisal or assessment from leadership, from leaders in the

organisation, to identify potential?

A. Yes, it does that. It also sends a message to the individual member of staff as to the extent to which what they do is evident and appreciated or validated and it also demonstrates, if you will, the organisation's commitment to developing its staff and working in that holistic way to ensure that people can bring their best and do their best so that organisational goals could be met.

Q. And you follow it up at 41 by saying:

"Individuals themselves might say, having been through this experience, although I think I benefitted from the training we had nine months ago, I think it would be very valuable for me to hook into a training programme at this point."

So it allows that process of self-reflection and analysis of their own needs and their own requirements and maybe things that can benefit from -- them from?

A. That's right.

Q. Can I ask you some -- for some comments about evidence we have heard about frequency of police training?

A. Hm-hmm.

Q. And again, because I'm reading from a transcript it won't appear on the screen. It came from a witness called Mr Paton on Day 20 of the Inquiry on 21 June

2022. I had asked him how confident he was, looking back, on how confident he was about the training he had received, particularly in relation to equality and diversity and matters relating to race. And he said:

"I think it probably could be improved, if I'm being honest, maybe every two years or something like that would be handy. Done for the right purposes and for the right reasons, I think they probably could do more, because I mean I have heard some people that's given evidence saying that their last input was when they were up at Tulliallan."

That's what probationer officers get?

A. Yes.

Q. "Well, that's not really acceptable in my opinion and everybody likes a wee day out course, so maybe more regular training"

And he said:

"Yes, but not rammed down your throat, not every years. Something like every two years would be more than enough I think."

Because he felt, "to be honest, most of your learning is done on the job".

I'm interested in any reflections you have on that evidence about the frequency of training in relation to equality, diversity and race related matters. He's

suggesting every couple of years, not every year, and he thinks more training is done on the job. Do you have any thoughts on that?

A. Let's take that in two bites. I believe this two-year suggestion is very arbitrary, it doesn't relate to anything, it doesn't say what else is going on between the -- in that two-year gap. He talks about on-the-job training, but again that -- there are no parameters put around that, and we've discussed that --

Q. Yes.

A. -- earlier this afternoon.

I found it telling that he could use terms like "not rammed down your throat" or whatever that expression was.

Q. Yes, that's correct.

A. Because what he appears to be saying is you have got to do this thing in moderation, it's an add-on and, therefore, you can't be spending too much time or requiring that other people spend too much time or resources on it. It seems to me a very odd statement for somebody to make and it's pretty indicative of his thinking.

So I don't want to repeat what I have said already in answer to your previous questions, but it seems to me that training has got to be seen on a continuum and I

indicated earlier what I thought the particular points of that should be. This -- so those suggestions of Mr Paton I see to be pretty arbitrary and not really based on any evidence of why, if you had two years' training, it's going to be as beneficial as if you didn't have any follow-up training at all.

Q. And so in relation to not Police Scotland but say, for example, PIRC or Crown Office --

A. Sure.

Q. -- would you also see training as not being simply an arbitrary period for frequency, but on a continuum and on an ongoing basis blended in with the type of work which has to be done by that individual?

A. Yes, and for one -- for one pretty obvious reason, which is that if you as a manager or a senior leadership team consider that training is important to the organisation, developing staff, enabling them to meet organisational goals and all the rest of it, you must -- you must want to monitor the extent to which that is actually bearing fruit, the extent to which it is being productive in that it is -- it is meeting your objectives, those who are being trained as satisfied that it is as contributing to their professional development and the rest of it. So it's important that you have mechanisms in place to do all of that and, on that basis, determine

what you need to change or not, as the case may be.

And in that regard, this is why impact assessment is so critical. You need to be able to do an impact assessment on training and how it works for the organisation and that has a starting point. Why are we doing this, what outcomes do we expect, to what extent do the things which we put in place, the methods we use, the content, et cetera, enable us to meet those particular objectives? And in that process, doing the impact assessment, you then begin to identify gaps or weaknesses or strengths or whatever and it is an iterative process. You could then use that to go back and plan or adjust or whatever else it may be.

Q. So having or fixing training at perhaps an arbitrary frequency is not the best approach to making the biggest impact on people being trained --

A. Unless -- unless having had periodic -- set periods when you know you're going to do impact assessment, as I have just been describing, you then go on to use the results of those assessments to determine whether you want to continue with your training programme, adjust it, change the timing of it or whatever else. It has to be related to something. It can't be just arbitrary.

Q. Thank you. And that may actually answer what was to be my next question, which is about something we have heard

evidence about in this Inquiry about how memories can fade or memory fade and we've heard evidence last week from Martin Graves on 2 October about that and he said:

"Yes, it's a skill and it's well documented within the sort of learning and development world and that's why certainly for first aid training, for example, there's now a legal requirement from a health and safety to refresh that knowledge and those skills on a regular basis. Officer safety was no different. It was, you know, it was written into the requirement that it you don't refresh and practice those skills, you're going to lose them."

So would this iterative process and this impact assessment and training being done on a continuum basis help minimise the risk of memory fade or avoid the risk of memory fade?

A. Memory fade is an interesting concept. I'm not quite sure how helpful it is in this sense and I think, again, I have made references to that already today. It's just training and accumulating knowledge about or understanding about this or that it's not a banking process, you don't fill a vessel with stuff and expect to hold onto that and it gathers moss or evaporates and you need to reset it and fill the thing again. It isn't -- it isn't like that. That's not -- that's not

how human beings learn, especially when they're adults, nor is it how learning is actually applied.

So the idea of memory fade I see like this. You can suggest that there are certain facts that you learn which you might forget. There are certain procedures that you learn which if you have no cause to use them regularly, you might forget, but two things about that. One, I talked earlier today about the need for individuals to own responsibility for their own continuous professional development and in that process you can makes that you do not forget. And secondly, because we're dealing with dynamic situations, things change, procedures might change, laws might change. Different acts get revised and amended and what have you. So it's a judgment as to whether you are training not to refresh your memory about what you have already learnt, but to ensure that you are operating now in compliance with what applies legally now or that you are having regard to some changed circumstances that were not anticipated before.

If tomorrow Edinburgh was to find that there are many coaches arriving with refugees, or orphans for that matter, from Gaza, and that requires different responses by social services, by schools, by police, by housing, whatever, then that's a completely new scenario and it

would be important that you take stock of how prepared you are to deal with that as a new phenomenon. There are situations closer to home where you might have to do that.

So it's having that overall understanding of what organisationally you need to be focusing upon and being flexible enough in order to relate to these new events and do so competently and support your staff so that they can adjust to those new events.

Q. All right. Thank you. I have talked a number of times about the evidence we've heard last week from Martin Graves, who was the officer safety training expert that we've heard from. He started his evidence in relation to a report he had given looking at seven criteria that, from his perspective as an OST trainer, he felt should be in place for training, good training, training that was fit for purpose, and I would like to ask you about these seven criteria and see whether you also agree that these are important aspects of training?

A. Sure.

Q. And I'll just go through these in turn. So this is his evidence from Day 118 of the Inquiry and the first was that there should be an agreed and documented content. So the content of the training should be agreed and that there should be standardisation and consistency there.

He was talking about a situation where there had been a number of legacy forces, which became Police Scotland on 2013, and that there should be content that was agreed, standard content going forward.

And do you think that is something that can be of benefit if -- his concern was that individual trainers were perhaps teaching things that were not part of the agreed manual or teaching ancillary matters which had not been found in the manual. Do you have any thoughts on that?

A. Again, it's one of my "it depends". By that I mean, if the starting point is that now these legacy forces are rolled into Police Scotland as one composite entity, and Police Scotland is required to provide evidence of, for example, compliance with equality and human rights legislation, antidiscrimination and human rights legislation, then the training, irrespective of what went on in the individual 13 legacy organisations, should actually reflect that and reflect the outcomes that Police Scotland wants to see.

And in that respect it would not help if, for example, Fife were doing its own thing, whereas the West of Scotland was doing something completely different. In other words, there are common factors to do with evidence of compliance which should be -- should be

evident across the piece so when the chief constable or whoever else is giving an account of their leadership and management of the equality -- equality and diversity agenda, they know that they can ask each part of the organisation to provide evidence based on a certain set of criteria and that would then satisfy her or him that Police Scotland is actually doing this right and it is coupling compliance in the way that I'm just talking about with what I said earlier about the twin objective of buildings and sustaining -- sustaining a culture of equity.

So in that situation, clearly, yes. But then given the topography of this region, of Britain, there clearly are issues to do with rural policing, urban policing, and issues of, for example, interface with traveller communities and so on and so forth, and the way in which one meets those particular needs specific to a particular region or particular groups of the population within that region have got to be the basis on which you begin to plan your training. So it's not -- it cannot be a one-size-fits-all in this second respect. It has to be much more focused than that. So I would want to differentiate between the two things.

Q. Thank you. I think you have touched on what he described as the second criteria:

"A methodology for delivery with set competencies to measure against. So how do you check the individual has achieved or has taken onboard the information and can demonstrate the techniques that you're asking them to take on board? So a set of competencies around the physical skills definitely would. It is a must and also a manner or a methodology of being able to test that the knowledge that they have been given around conflict management, for example, has gone in."

So it's about having competencies, set competencies, that can be measured. Any thoughts on that?

A. I think it goes back to what I was saying earlier on in the day about the other parts of the continuum, for example, what the purpose of supervision is by line managers, how that could relate to the needs of the individual, as well as obviously the needs of the organisation, and how the supervision function can support the spread of knowledge and good practice around the organisation. So it's -- it's -- it's a matter of ensuring that these particular elements are there and are being addressed as part of the whole.

Q. His third criteria was a recognised level of trainer competence to deliver the programme, and I think we have touched on this earlier today. He said:

"The trainer is an important part of the process, an

important part of the holistic approach. They should be trained to a recognised level and that's not just teaching qualifications, but it's also skill levels."

Is that something you would agree with?

A. I would agree with that.

Q. Yes. His fourth criteria was:

"A process of check-testing and developing the trainers and having a process in place where they're either annually or perhaps biannually brought in, visited, monitored, assessed and given fresh information or any changes to the programme that has taken place."

So not simply bringing the trainers up to a level of competency at the beginning, but ensuring that that continues to be reviewed in long-term. Is that something you would agree with?

A. Again, that depends on the content of training and how the training is delivered. In some forces that I'm aware of in England, not in Scotland, there is a practice of trainers being handed manuals to go and deliver to wherever. They've got no particular investment in the product that they're going to deliver and they are basically there to hand it over, people can make what they want of it, so to speak, and they know that they're delivering this in modular fashion in this week and that week, et cetera. Now, that -- so, in

other words, it doesn't really matter who is doing the delivery once certain basic criteria are met. What I think I was describing earlier on, especially if one is doing interactive work, is a level of understanding on the part of the trainer that enables them to engage with trainees, so to speak, in a manner that boosts people's understanding and confidence in managing their learning and interacting with others. So it depends on, as I said, content, how it is delivered, how uniform one wants that content to be, et cetera.

Q. And does this reflect back on evidence you gave earlier about organisations identifying people who have particular enthusiasms or talents or skills which can really enhance an organisation?

A. Yes, but even those people need. They may have all of that, but they could be pretty lousy trainers.

Q. Yes.

A. So they need training so that they can make the best of those skills and capacities that they've developed over time and know that they're confident enough to go in front of a group of, I don't know, 30 people, 50 people and assist them in developing their acknowledge and their operational skills and the rest of it.

Q. His fifth criteria was:

"A method of monitoring delivery. It's either

having somebody at a local level who is responsible for monitoring and checking local delivery for officers or a process whereby a central unit may go out and monitor the delivery of training at various locations."

So he was talking about having either a central unit or local delivery where someone was monitoring how the training was delivered. Do you think that's a useful function?

A. Could be. Again, it depends on how the whole training function is configured, it seems to me, and who has responsibility for assessing training impact, providing guidance to people who want to build upon that training separately from formal arrangements. So if I have -- I develop an interest in X or Y as a result of the training I received and I want to pursue that and I want some guidance on that, do I find that trainer or is there somebody else within the organisation who can assist me in those -- in those sorts of ways.

I think these are all, if you like, indecipherables which have got to be identified and addressed if you're going to have a holistic approach to training in its various forms within the organisation.

Q. His sixth criteria was:

"Systems to review and develop the programme with access to independent sources of information and

expertise."

So systems to review the programme over time and to develop it and improve it over time, depending on the circumstances, and to also access independent sources of information and expertise and we talked about medical expertise that may be brought in to assist with officer safety training. There may be other elements of independent sources of information.

Now, you have talked today about staff organisations, student organisations, other third party, in a sense, or separate organisations even part of the bigger body. And do you find that that criteria to be something that fits in with your views that there should be that system?

A. I think the usefulness of that would depend to a large extent on how much it supports and assists the training model that I'm suggesting is important along that continuum and it depends also on what particular training it is. I mean, if you were doing firearms training, for example, there are elements of that which you might want a wider body of people, not necessarily part of Police Scotland, to be involved with assisting you as a kind of, I don't know, steering group or reference group or whatever else it may be. That's one example.

As you know, there is a large amount of evidence in relation to how knife crime is handled and issues of risk, et cetera in that given the extent of injuries here in Scotland. There would be no -- no problem, it seems to me, in getting some people, some practitioners, some academics, who are not police officers, but who have to deal with this as a health issue, community health issue and a social issue, as well as a law enforcement issue, to come together and begin to think about what that would mean and what kind of training therefore might be offered or how the current training might be tweaked and it may be -- it may be that is already been done here, I don't know, but I would see that as one example of people not part of the organisation assisting it in being more competent at dealing with those matters.

Q. His final criteria was:

"Someone responsible for oversight day-to-day and strategically."

Would you see that as being part of -- would you see that as being something that could be mirrored in relation to the sort of training you're talking about or would you not consider that necessary?

A. Well, I would have thought that that needs to be somebody -- ideally somebody pretty high up within the

organisation -- taking responsibility for learning and development, let's say, it's a division I have just created, learning and development. And fitting training into that, with all the ramifications I have just been talking about along that continuum, if one had somebody like that at whatever level, assistant chief constable, chief inspector, chief superintendent, I mean, or whatever, then one knows that it is a function, to go back to our earlier discussion, that is particularly important strategically to the organisation realising its goals. It's important for staff development generally, and it needs to be closely monitored in terms of applicability, achievement, success, funding, interrelationships between Police Scotland, PIRC, COPFS, whatever so it's --

I'm talking about the senior leader in that sense because it's very important, it seems to me, that the organisation sends out a signal as to how critical that function is, so people don't simply see, well, you know, it's a two-day training stuff that we do twice a year or whatever it is, or once a year, and it doesn't really feature very much in terms of the decision-making within the organisation.

Q. We've heard evidence from Fiona Taylor, who had -- who said herself she had a particular passion for issues

about equality and diversity and moving that forward within Police Scotland and that she has -- I think it was and Alan Spiers who took over from her, but there's now been another ACC appointed or DCC. Professionalism, strategy and engagement, I think, was the original -- sorry, I may be reading this incorrectly.

It's part of Policing Together, a Deputy Chief Constable Alan Spiers has executive responsibility for professionalism, strategy and engagement and we've now -- we've also heard evidence that another officer has been appointed in relation to specific areas about engagement and dealing with equality and diversity.

Is that the sort of level that you think someone could have the strategic role, have the authority to provide the leadership in relation to training on these matters?

A. Yes, I do. And I think the important thing is to -- an important function of the role must be to make the whole EDI agenda as streamlined -- some call it "mainstreamed" -- as possible, so it isn't -- it isn't regarded by staff or by anybody else as a sort of bolt on to what is considered otherwise to be the organisation's core business.

Q. So it's a core issue to the organisation being successful?

A. That's correct.
Q. And not just simply an add-on that people just have to go to a training course once a year for?
A. Absolutely, absolutely.
Q. I would like to ask you one last thing before I move on to types of training. And it's some evidence that we've heard in the Inquiry about how officers can be placed under stress when they're out responding to incidents in the field and difficulties that they may or may not experience comparing complex thinking, on the one hand, and working at a high level of executive function compared to reactive or instinctive thinking, which they may default to in a stressful situation.

And I wondered -- we've heard evidence from a Dr Peter Jones, who's talked about the brain and how it responds to processing capacity in a stressful situation and how certain incidents can overwhelm frontal lobes of the brain which will then fall back on the cortex:

"The problem is with emotional or cognitive load, which eats up resources of the frontal lobe. So when stressed or in danger or rushed, we tend to fall back onto these implicit connections making rapid judgments about people."

And those judgments may be stereotypical, they may be racist tropes. Do you have any thoughts yourself

about the -- these issues about the stresses that officers can be under, for example, when they're responding to an incident and their ability to retain that training that they have been given or the difficulties they may have with retaining that?

A. I looked at evidence of -- I can't remember the name of the person -- who was very exercised with that whole business about making judgments in stressful situations and I think he used the term "working by instinct, rather than by more sophisticated cognitive processes."

I have to say I found that whole body of evidence which he presented to the Inquiry very peculiar and I think to a large extent he was talking about the stress people are under in a situation such as somebody who is reported as having a knife. What concerned me about it was that -- I mean I don't know what qualifications Dr Jones or Mr Jones has. That whole neurodiverse, neuro-engineering stuff that he was talking about, I don't fully understand and I have not tried to get my head around it in preparation for this -- for this hearing.

What I would say though is this that, coming back to something I said earlier on today, training isn't about banking, it's not about filling your head with all sorts of things which you then have to immediately compute

when you get into a stressful situation. And the idea that you have a duality, so to speak, of on the one hand things that people do through instinctive reactions and things that people do through reflective thought in a less stressing situation is very artificial if one is talking about police officers operating on a day-to-day basis. So I don't want to repeat what I said this morning, but it seems to me that that it is -- it is wrong to construct some notion of what I call "police fragility" and try and suggest that you need to protect the police from all sorts of situations that they might find stressful. And, for example, in the case of somebody armed with a knife, don't assume that your Pava spray and your tasers would necessarily protect you, you would need to summon firearms officers in order to be able to deal with that situation. I found that evidence very strange.

And so what I would say is, it is clearly important that police officers are trained in terms of risk assessment, threat assessment, risk management, and can determine on the basis of what they assess the risk to be what appropriate forms of intervention there might be. whether it be using a Pava spray, or engaging tasers or using batons or whatever else, whatever else it is. But the minute one gets into this business about, well,

have they retained enough of the training that they did as a probationer to be able to guide them in terms of what to do in this stressful situation and to what extent are they using all their cognitive skills as distinct from reacting instinctively to the situation in front of them, I don't believe that that helps police officers in any way at all.

Q. In terms of training and the training that can be provided, do you see that training can be provided and equip perhaps an officer in a response team with the skills to carry out actions regardless of stress or do you think there is a mismatch between training and actual performance in real-life situations if stress is involved? Are you aware of any --

A. I don't know -- I don't know -- I don't think "mismatch" is the right term for that.

Q. Okay.

A. I think it's the matter of, as I said earlier today, how training is received, how individual officers use that training, and build upon it in terms of their own understanding of situations and the mental work they do on how to respond in those sorts of situations. It's that dichotomy between -- in following instinct and being cognitive and reflective that I found artificial in that regard.

You can't -- you can't wait for somebody to go through whatever these mental processes are, if you like, that's the antithesis of the other thing, if you're going to react in a situation where somebody is threatening either harm to the public, to themselves or indeed to you, which is why I'm saying it's a matter of bringing an understanding and an awareness that makes you feel confident about the judgments that you would make in those situations. That is what the training ought to -- ought to achieve.

It isn't about giving you factual knowledge that you then summon up, computer style, when you're in a situation that requires your instantaneous response.

Q. So training, good training, would be about helping someone make better decisions more quickly, is that fair to say, rather than having to go through some cognitive process to think about their decisions?

A. Well, I mean, I think people are always thinking about their decisions. You -- if you -- if you're going to apply tasers, you must firstly compute in your head that this is what you will do in this situation, this is why you're doing it, whether you're conscious of Article 2 and Article 3 or not, this is what you're going to do, this is why you're doing it, you believe that it is essential to protect yourself or to protect an other or

others, and you expect there to be a result. So there are thought processes involved in that.

It's not like touching a hot kettle and pulling your hand away so that you don't, you know, scald yourself or get burnt or whatever it may be.

Q. And training about equality and diversity issues or race, can that play a part in that thought process about should I pick up my taser, is it essential, that you have been describing?

A. It is important. I mean there are reports about the application of tasers, breaking that down by ethnicity, by age, by whatever, and it is found, particularly in Metropolitan London, that to a very large extent tasers are used more quickly and more often in relation to interactions with black males than the rest of the population, proportionately speaking, right. And that may be for any number of reasons.

So at least the training should enable police officers to engage with that kind of evidence, that kind of debate, to ask questions about how -- how -- what is known about the use tasers in Scotland in relation to any section of the population, and to what extent has it proven to be a useful tool in terms of assisting to keep officers safe and so on. So there are -- there are issues around that. In other words, you're

acknowledging that policing is taking place within a context, a community context, a societal context, and you're acknowledging that how these -- these implements are used does go to the matter of trust and confidence in the police or whether certain sections of the population believe the police are more aggressive in dealing with them than others or whatever.

And one has got to have those conversations, however difficult they may be, and one has got to ask questions about whether people reach for tasers much too readily, much too quickly, and the -- the use of them could always be justified. I mean it's -- one has got to do all of that if people are going to be armed with those things to go out and interact with the public.

Q. Thank you very much. Could you give me a moment, please?

A. Sure.

MS GRAHAME: Would that be an appropriate time to ...

LORD BRACADALE: Yes, we'll stop there for the night and, Professor John, we'll continue with your evidence at 10 o'clock tomorrow morning.

A. Thank you, sir.

(The hearing was adjourned to 10.00 am Wednesday, 9 October 2024)

INDEX

1PROFESSOR GUS JOHN (affirmed)

1Examination-in-chief by MS GRAHAME

1

2