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Third Data Report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland: March to December 2020

Professor Susan McVie OBE FRSE FAcSS and
Dr Ben Matthews

School of Law, University of Edinburgh

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While this report was produced to support the scrutiny role of the IAG, the views expressed do not necessarily reflect those of all IAG members, and all opinions, interpretations of the data and errors are the responsibility of the authors.

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Executive Summary

Introduction

- This is the third in a series of data reports on Police Scotland's use of Fixed Penalty Notices (FPNs) produced on behalf of the Independent Advisory Group (IAG) on Police Use of Temporary Powers during the Coronavirus Crisis in Scotland.
- The report focuses on FPNs issued between 27th March 2020 and 31st December 2020 in respect of the various Coronavirus Regulations introduced in Scotland.
- The analysis is based on data from Police Scotland's Coronavirus Intervention (CVI) system which provides an estimate of FPNs issued (based on police officer reports) and a database containing details of all FPN tickets that were actually issued.
- The data relate to individual 'tickets' and not 'people' (who may have been issued more than one FPN), which means all rates per capita (based on population size) are estimates and statistical testing for differences between groups cannot be verified.

Background to the Coronavirus Regulations

- In March 2020, the Coronavirus Act 2020 was enshrined in law by the UK Parliament and the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 gave Police Scotland extraordinary powers to enforce public health measures to prevent the spread of the virus.
- Under the powers, officers were granted authority to issue a Fixed Penalty Notice (FPN) or arrest individuals who were in breach of the Regulations.
- Public messaging from Police Scotland gave a commitment to policing by consent and use of the 'Four Es' approach (i.e. engagement, explanation, encouragement and enforcement), but emphasised that enforcement would be used to deal with persistent or blatant non-compliance.
- Since March 2020, there have been a significant number of amendments to the Regulations, involving changes to the measures taken to prevent the spread of the Coronavirus, which have impacted significantly on the work of Police Scotland.
- It is important to bear these regulatory amendments in mind when reading this report as many of the trends and patterns in the use of enforcement reflect a complex underlying mixture of factors which are related to the quickly changing (and often conflicting) legislative provisions.

Police Fixed Penalty Notices in context

- Public surveys have suggested that most people complied most of the time with the Coronavirus Regulations, but a small minority of people struggled to comply.
- There is evidence that some groups complied more than others and public tolerance for the restrictions has waned over time with people modifying the rules to suit their own purposes.
- Police Scotland recorded just under 100,000 interventions with members of the public in respect of non-compliance with the Regulations between March and December 2020.
- The vast majority of interventions involved use of the first three Es and less than eight per cent involved the fourth E, enforcement.
- Even when enforcement was used, the vast majority of instances involved use of an FPN (a financial penalty that does not result in a criminal conviction) rather than an arrest.
- Use of enforcement (compared to the other 3 Es) was relatively high during periods when the restrictions were at their tightest (i.e. April and May, and November and December).

General profile of Fixed Penalty Notices

- A total of 8,273 FPNs were issued under the Coronavirus Regulations in Scotland between March and December 2020.
- This represents a very small aspect of policing activity when considered in the context of the 380,000 crimes and offences recorded over roughly the same time period.
- It also impacted on a very small proportion of the Scottish population (less than 0.2%).
- The relatively low number of FPNs issued in Scotland most likely reflects both high levels of compliance with the Regulations and Police Scotland's use of the Four Es strategy.
- Trends in the use of FPNs changed over time and represent three broad 'phases' of policing:
 - Phase one (March to June) covers the period of the first national lockdown.
 - Phase two (July to October) covers the lifting of the restrictions during the summer period followed by the introduction of new local restrictions across local authorities and tighter limits on the size of gatherings.
 - Phase three (November to December) coincides with the introduction of the new 'levels' system and reflects a renewed tightening of restrictions prior to Christmas.

Monetary value of Fixed Penalty Notices

- The Regulations set out an incremental penalty structure which allowed for a maximum of five FPNs, rising from £60 to £960; although Lord Advocate guidelines capped the number at four.
- The vast majority of FPNs issued were for the lowest ticket amount of £60, and less than one per cent were issued at the maximum amount.
- The data suggest that repeated ticketing of individuals was rare and declined over time.

Demographic profile of Fixed Penalty Notices

Age and sex

- Three quarters of all FPNs were issued to males and a quarter to females, which represents a disparity rate of 3.0.
- Survey data suggest that compliance was higher amongst women, although not to the extent that would explain such a high disparity rate, which suggests other factors must be involved.
- Younger people were significantly more likely to be issued FPNs than older people, and two thirds of all those issued a fine were age 30 or under.
- Again, survey data suggests compliance amongst those aged under 30 was lowest overall and declined the most over time, which would help to explain the age profile of FPNs.
- The overall age profile of men and women who received FPNs was more or less identical, although the disparity between men and women receiving FPNs did increase with age.
- The proportion of FPNs issued to women increased from around a fifth in phases one and two to around a third in phase three, which could indicate a change in underlying behaviours, motivations, levels of compliance, or in the circumstances in which FPNs were being used.
- The proportion of FPNs issued to people aged 30 or under increased substantially from phase one to phases two and three, and reflects concerns about non-compliant behaviour and the spread of the virus amongst younger people, including students, in the later phases.

Ethnicity

- The vast majority of FPNs were issued to people from white backgrounds, which is broadly in line with the population profile.
- The estimated rate of FPNs issued to people from BAME backgrounds was slightly higher than that for white people; however, the disparity rate was only 1.1.

- Survey data suggests compliance was lower amongst BAME groups, which may partly explain a slightly higher than expected percentage of FPNs being issued to those from BAME during phases one and two, but this could also be explained by other factors (such as age and sex).
- The profile of FPNs in phase three reflected no disparity between white and BAME groups.

Country of birth

- Nine out of ten FPNs were issued to individuals who were born in the UK, which is only slightly lower than the Scottish population figure.
- Differences in the estimated rates per capita of FPNs reflected a disparity rate of 1.3 for people born in the EU and 1.7 for people born elsewhere in the world, compared to UK nationals.
- The estimated rate per capita was highest for those born in EU2 countries, reflecting a disparity rate of 2.8 compared to UK nationals; however, this reflects an extremely small number of FPNs.
- Published data suggests that immigrants to the UK have found it harder to comply with the Regulations as a result of employment status and other economic factors, which may help to explain why they were more likely to be issued FPNs.
- The proportion of FPNs issued to non-UK nationals was highest during phase two and could possibly reflect students who were subject to enforcement for organising or attending parties.

Criminal history profile of Fixed Penalty Notices

- Three out of five FPNs were issued to people who were already known on Police Scotland's criminal history system.
- There was no sex or ethnic difference amongst FPN recipients who had a prior criminal history.
- UK born FPN recipients were more likely to be already known to the police than non-UK nationals; and older people were more likely to have a criminal history than younger people.
- The proportion of FPNs issued to people with a prior criminal history fell dramatically from around three quarters in phase one, to a half in phase two, and below half in phase three.
- This change over time in the prior criminal history profile of FPN recipients is consistent with accounts from police officers about a gradual expansion of non-compliance across different sections of the population, especially amongst younger people.

Deprivation profile of Fixed Penalty Notices

- People living in Scotland's most deprived communities were more likely than those living elsewhere to be issued an FPN in respect of breaching the Coronavirus Regulations.
- Overall, there was a disparity rate of 4.8 in the likelihood of being issued an FPN amongst those living in the 10% most deprived and those in the 10% least deprived neighbourhoods.
- However, the deprivation profile of FPNs changed significantly over time, reflecting a disparity rate of 12.6 during phase one, reducing to just 1.3 during phase two, and increasing slightly to 2.9 in phase three.
- This large reduction in inequality by residential deprivation most likely reflects the significant changes in the characteristics of those who were being issued FPNs, the circumstances in which FPNs were being issued and the geographical locations in which breaches were occurring.
- Even though the disparity rate diminished over time, there continued to be greater inequality in the likelihood of receiving an FPN amongst those people living in communities at the deprived end of the SIMD spectrum than amongst those living in the affluent half.
- Younger FPN recipients were the least likely to be living in the most deprived communities and the most likely to be living in affluent communities (which may well be a reflection of those living in student accommodation).

- FPN recipients from white backgrounds and born in the UK were more likely than those from BAME backgrounds or non-UK nationals, respectively, to live in the most deprived communities.
- Those with a prior criminal history were more likely than others to be living in the most deprived communities, and least likely to be living in the most affluent areas.

Geographical profile of Fixed Penalty Notices

- Overall, divisions in the West of Scotland had issued the most FPNs and those in the North of Scotland had issued the least.
- Greater Glasgow division had issued the largest number of FPNs (around three times greater than the next nearest division, Lanarkshire); while Argyll & West Dunbartonshire had issued the highest estimated rate of FPNs per 10,000 people aged 18 or over.
- There were three high 'outliers' in terms of rate of FPNs issued: Greater Glasgow, Argyll & West Dunbartonshire, and Renfrewshire & Inverclyde.
- Overall, around three in twenty FPNs were issued to people who were not resident to that division (suggesting that they had breached travel regulations), which did partially (but not completely) explain the higher rates in the outlier divisions.
- FPNs being issued to individuals who were resident in another division varied significantly across divisions, and changed over time, but the biggest impact was on divisions covering more rural areas with significant areas of natural beauty and popular tourist destinations.
- Although it could not be verified, the data suggest that police officers working in more remote and rural divisions faced the biggest challenges in terms of people breaching travel restrictions.
- Estimated rates per capita of FPNs also varied considerably across divisions, and changed over time, reflecting variation in restrictions imposed in different parts of the country and behavioural challenges posed by different groups in the population.
- There was a distinct urban/rural pattern to the data such that more remote and rural divisions issued by far the largest proportion of FPNs during phase one; whereas, more urban and densely populated divisions issued by far the most FPNs during phases two and three.

Locus and timing of Fixed Penalty Notices

- Changes to the Regulations over time saw increasing restrictions on social contact between households and, consequently, the focus of police enforcement adapted to address this.
- During phase one, the majority of FPNs (where locus was known) involved activities that occurred out of doors (e.g. beauty spots, beaches or parks); however, by phases two and three the vast majority of occurrences involved indoor gatherings and house parties.
- The temporal profile of FPNs also changed over time, with much less activity during daytime hours and a greater emphasis on incidents during the late evening and early morning hours.
- These changes reflect a shift away from daytime policing of open spaces towards a 'night time economy' pattern of policing focused on private places.
- These changes would have impacted significantly on shift patterns and operational planning, and reflect a very different dynamic in terms of engagement between the public in the police.
- More remote and rural divisions were most likely issue FPNs in respect of outdoor incidents, while more urban divisions were most likely to issue FPNs as a result of indoor gatherings.
- These data demonstrate the importance of having both a national strategy, aimed at minimising the use of enforcement, as well as localised approaches which could adapt to the changing scale and nature of demand for policing over different phases of the pandemic

1 Introduction

1.1 Content of this report

This is the third in a series of data reports on Police Scotland's use of Fixed Penalty Notices (FPNs) during the Coronavirus pandemic. Under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations Scotland 2020, police officers were given the power to issue a Fixed Penalty Notice (FPN) to any individual aged 16 or over who was thought to have committed an offence under the Regulations. This lower age limit was increased to 18 on 27th May 2020, bringing it in line with the definition of a child under the UN Convention on the Rights of the Child.¹ This report focuses on the FPNs issued by Police Scotland between 27th March 2020 (when the Regulations came into effect) and 31st December 2020.²

The report was produced on behalf of the Independent Advisory Group (the IAG) on Police Use of Temporary Powers during the Coronavirus Crisis in Scotland, established by the Scottish Police Authority (SPA) under the chairmanship of John Scott QC Solicitor Advocate in April 2020.³ The contents of this report should be considered in the context of a wider series of reports and papers produced on behalf of the IAG for the SPA.⁴

The first data report on FPNs⁵, published in August 2020, presented analysis of all tickets issued by the police under the Coronavirus Regulations in Scotland during the initial months of the lockdown, from 27th March to 31st May 2020. The second report on FPNs⁶, published in February 2021, provided more detailed, individual-level analysis of the same data, examining the characteristics of those people who were issued FPNs (especially those who received multiple tickets) and comparing them to the population profile. This third report replicates the first report (as it does not include individual-level analysis); however, it extends the timeline of the analysis to 31st December 2020, so it includes the period of easing restrictions over the summer and the introduction of the new Regulations in the autumn and over the Christmas period.

1.2 Data used for this report

The data presented in this report came from two Police Scotland sources. The main source was a database of all FPN tickets issued in Scotland, which was collated by the Operation Talla Information Collation, Assurance and Liaison (OpTICAL) Group, led by Assistant Chief Constable Gary Ritchie. These data included information on the characteristics of ticket recipients, including sex, age, ethnicity, country of birth and home datazone. They also indicated whether the individual was known on Police Scotland's criminal history system prior to being issued an FPN under the Coronavirus Regulations.

¹ Under Regulation 9 of the Health Protection Regulations, FPNs could be issued to those aged 16 or over; however, following pressure from the Children & Young People's Commissioner Scotland, the Coronavirus (No. 2) (Scotland) Act amended Regulation 9 to raise the minimum age to 18, coming into effect on 27th May. This was intended to bring it in line with the UN Convention on the Rights of the Child, Police Scotland's 'Policing Approach to Children and Young People 2016-2020' and respond to calls by the UN to ensure children's rights were safeguarded during the pandemic.

² Note that police officer guidance requires that FPNs can only be given when the individual is compliant and understands the process. If those criteria are not met, the individual may be arrested and/or a report may be submitted by Police Scotland to the Procurator Fiscal.

³ <https://www.spa.police.uk/strategy-performance/independent-advisory-group-coronavirus-powers/>

⁴ All reports produced on behalf of the IAG can be found on the Scottish Police Authority website: <https://www.spa.police.uk/strategy-performance/independent-advisory-group-coronavirus-powers/iag-public-reports/>

⁵ McVie, S. (2020) [Data report on police use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#). Report to the SPA Authority Meeting on 19th August 2020.

⁶ McVie, S. (2021) [Second data report on police use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#). Report to the SPA Authority Meeting on 24th February 2021.

Information was also provided on the amount of the fine issued, the date and time it was issued, the police division in which it was issued and a broad indication of the locus (indoors or outdoors).

The second data source was the Coronavirus Intervention (CVI) system, introduced by Police Scotland on 6th April 2020 in response to the introduction of the Coronavirus Act 2020 and associated Health Protection Regulations in Scotland.⁷ The main purpose of this system was to gather data on levels of public co-operation with the new Regulations, based on police officer interventions. The CVI system relies on manual updates from police officers about any interventions they have had with members of the public in respect of the legislation. It is not compulsory and, as a result, does not provide an accurate estimate of the total number of policing encounters. Nevertheless, it measures all policing-related activity (not just use of enforcement) and so provides a useful indicator of the relative use of different types of police activity in the context of the 'Four Es strategy', which was widely adopted by police forces across the UK in the context of the pandemic.⁸ To our knowledge, the CVI System is the only database of its kind to be used to measure the overall use of extended policing powers across the UK police forces from the start of the pandemic. Therefore, it provides an extremely useful source of complementary information to the FPN data.

The work of the IAG in reviewing data and evidence is ongoing and so this report does not cover the entire period of the pandemic. In addition, this report does not include a detailed analysis of the individual people who received FPNs nor the profile of those who were in receipt of more than one ticket up to the end of December. These topics will be covered in a final report to the SPA Board.

1.3 Notes on statistical validity

The data analysis in this report has been conducted to the highest ethical standards and efforts have been made to explain any data limitations throughout the report. It should be borne in mind that the data relates to individual 'tickets' and not 'people' (who may have been issued more than one FPN). This has a consequence for the creation of rates per capita (based on population size) and testing for statistical significance between groups, as explained below.

It is standard practice to compare data about sub-populations with population level data to establish whether there are differences between groups or with the wider population. Where possible, the analysis contained in this report provides comparison with Scottish population data to identify any differences to what might have been expected if FPNs were issued proportionately across all social and demographic groups. Calculation of population rates for different groups was conducted using the most recently available population estimates. However, any error in the underlying population figures (especially for minority groups such as the number of people from certain ethnic backgrounds or born in countries outside the UK) could affect the estimated rates substantially. In addition, because the analysis is based on tickets and not people, the calculation of rates based on population size may over-inflate rates for some groups. Therefore, rates per capita are presented as estimates and caution should be exercised before drawing definitive conclusions based on population rates for certain groups (especially for those with smaller numbers, such as ethnicity and country of birth).

It is also standard practice to examine differences between groups by testing for statistical significance at a minimum level of 95%. This means we can be confident that the likelihood of any differences we find between groups occurring by chance is less than one in twenty. Even within a 95% confidence interval is still possible that differences between groups may have occurred by chance (i.e. did not

⁷ Data from the CVI system are publically available on the Police Scotland website: <https://www.scotland.police.uk/about-us/covid-19-police-scotland-response/enforcement-and-response-data/>

⁸ Guidance on the Four Es issued by the Police Federation on 26th March 2020: <https://www.polfed.org/news/latest-news/2020/guidance-offered-on-new-police-powers/>

represent any real difference between groups); however, testing data at a 95% level is a commonly used threshold of certainty. However, please note that because the analysis was based on tickets and not people (who may have received more than one FPN), statistical differences between groups may be artificially inflated and so an extra level of caution is advised when interpreting statistical significance. Moreover, it should be borne in mind that differences that are statistically significant are not always substantively important.

Any significant differences between groups identified in this report (such as between men and women or different age groups) do not necessarily mean that policing activity was disproportionate or targeted. Moreover, differences in levels of enforcement between groups may not reflect demographic characteristics at all and may be explained by other underlying factors, including differences in likelihood of non-compliance or in likelihood of being reported to, or otherwise coming to the attention of, the police. Where evidence is available from other sources, possible reasons for differences in compliance with the regulations between groups are included throughout this report.

2 Background to the Coronavirus Regulations

In March 2020, the Coronavirus Act 2020 was enshrined in law by the UK Parliament. It provided the legal basis for the ‘lockdown’ of citizens and businesses across all four nations of the UK. At the same time, each of the four nations introduced Health Protection Regulations setting out the specific measures that were to be used to curb the spread of the virus and save lives in each country. These included the introduction of temporary powers for the police to enforce the new Regulations, where required. The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (hereafter referred to as the Regulations) gave Police Scotland extraordinary powers to enforce social distancing measures amongst the public and businesses in line with strict public health guidance. People were asked to work from home where possible and only to leave their homes if they had a ‘reasonable excuse’ or to exercise within their local area. The powers gave police officers the ability to close businesses, direct people to return home, forcibly take people to a medical facility and disperse groups of three or more people from different households, whether congregating in a public or a private area. They were also able to take steps to ensure that parents prevented their children from breaching the Regulations.

In the event that individuals did not comply with or adhere to the Regulations and were considered to have committed an offence, Police Scotland was granted the authority to issue a Fixed Penalty Notice (FPN) to anyone age 16 or over⁹ or, in extreme circumstances, to arrest them. A police FPN is a financial penalty or ‘on the spot fine’ which can be issued by a police officer at the time of an offence occurring. They are typically used for very minor offences and do not count as a criminal conviction (although they are recorded on police systems and may be disclosed to a court or via an enhanced disclosure application within a certain period of time). In a departure from existing legislation on FPNs, the Coronavirus Regulations allowed for an individual to be issued a maximum of five tickets, with the value of the fine doubling each time.

From the beginning, the public messaging from Police Scotland placed an emphasis on policing by consent and stressed the importance of personal responsibility in supporting the collective effort to reduce the spread of the virus. On 27th March, the Chief Constable expressed an expectation that the public would ‘do their duty and contribute to the national effort to keep people safe from the spread of

⁹ As noted earlier, this lower age limit was raised to age 18 on 27th May 2020.

coronavirus'.¹⁰ He recognised that the Regulations placed unprecedented restrictions on public movement and freedom of association and that this would be a significant challenge to individuals and families, but emphasised that 'those who persistently and blatantly defy the law must know we will enforce the law'. Guidance was issued to officers to use the 'Four Es' strategy, meaning that they should use engagement, explanation and encouragement as much as possible and, only when absolutely necessary and after sufficient warnings, resort to enforcement.

Since the start of the first lockdown in March 2020, there has been a significant number of amendments to the Regulations, involving changes to the measures taken to prevent the spread of the Coronavirus, which have impacted significantly on the work of Police Scotland. There is not space to cover these changes in detail in this report; however, key points of change include: the easing of restrictions following the first lockdown in June 2020; the introduction of new provisions for local authorities to take direct measures relating to premises, events and localities in August 2020; new restrictions on the size of gatherings (including the 'rule of six') introduced in September 2020; the introduction of new local restrictions and the multi-level 'tier' system, in October 2020; and the implementation of tighter restrictions on the size of gatherings, and on travel, hospitality and entertainment in and around the central belt of Scotland in November 2020.

It is important to bear these regulatory amendments in mind when reading this report as many of the trends and patterns in the use of enforcement reflect a complex underlying mixture of factors which are related to the quickly changing (and often conflicting) legislative provisions and 'guidelines'. These include: changes in behaviour in response to (or in spite of) these changing Regulations (e.g. 'lockdown fatigue'); variations in restrictions across different geographical areas (including between UK nations); different emphases on the measures needed to curb the spread of the virus over time; differential test and death rates; and changes over time in the scale and nature of policing demands and availability of resources. It is not possible to cover all these issues in this report, which focuses principally on the use of Fixed Penalty Notices. However, where these issues have particular relevance to the findings, commentary has been included to draw attention to these wider factors.

3 Police Fixed Penalty Notices in context

While the focus of this report is on police use of Fixed Penalty Notices, it is important to consider this in the wider context of public compliance with the Regulations, operational policing practice and the strategic approach adopted across UK-police forces during the course of the pandemic.

In terms of compliance, a number of public surveys carried out during the pandemic suggested that levels of public adherence to the Regulations were high for the most part.¹¹ In Scotland, surveys carried out on behalf of the SPA during the early stages of the pandemic found that the vast majority of people had 'tried to comply with all or most of the rules and guidance', although a small minority had found it a struggle.¹² Nevertheless, there is evidence that some groups complied more than others throughout the pandemic, and that public tolerance for the restrictions waned over time with people modifying the rules to suit their own purposes.¹³ There is no completely accurate measure of the extent to which members of the public really complied with the Regulations, or followed the guidance, during the

¹⁰ Police Scotland News Release, 27th March 2020: <https://www.scotland.police.uk/whats-happening/news/2020/march/social-distancing-enforcement-measures-in-place>

¹¹ Fancourt, D. et al. (2021) [Covid-19 Social Study: Results Release 33](#). UCL Report.

¹² Scottish Police Authority (2020) [SPA Public Opinion Survey: High Level Results](#).

¹³ Office for National Statistics (2021) [Coronavirus and Compliance with Government Guidance, UK: April 2021](#).

course of the pandemic. Therefore, trying to estimate the extent to which police use of enforcement reflected underlying patterns of behaviour is impossible. Nevertheless, examining patterns and trends in the use of FPNs provides a valuable insight into policing activity in different parts of the country, at different points in time and in response to the varying challenges that emerged during the course of the pandemic.

Recognising the significant challenge to the public in complying with the Coronavirus Regulations, Police Scotland's response was underpinned by both existing values and principles of policing, including the Peelian principle of 'policing by consent', and emerging guidance in March 2020 for all UK police forces to adopt the Four Es' strategy.¹⁴ The strategy emphasised the use of 'Engagement', 'Explanation' and 'Encouragement' in the application of the Coronavirus Regulations, and advocated resorting to 'Enforcement' only for those who demonstrated a blatant or flagrant abuse of the legislation. Therefore, when considering police use of FPNs during the pandemic, it is important to put this in the context of their wider application of the powers using the Four Es strategy.

Unfortunately, it is not possible to examine the application of the Four Es at a UK-wide level, as most police forces did not collect data on their use of different modes of intervention. However, as noted in Section 1 of this report, Police Scotland introduced the Coronavirus Intervention (CVI) system at the start of the pandemic to gather data on levels of public co-operation with the new Regulations based on police officer interventions. It was not compulsory for police officers to complete an entry for the CVI system and, therefore, it provides an underestimate of the total number of interventions in Scotland. Nevertheless, it records information about different types of policing intervention, which allows some estimation of the extent to which 'Enforcement' was used relative to the other three Es.

The CVI system records activity across five types of intervention, as detailed below:

- Dispersal after being informed of the Regulations
- Dispersal after being instructed to comply with the Regulations
- Removal from places or premises
- Issued a Fixed Penalty Notice (FPN)
- Arrested

A total of 97,948 interventions with members of the public in Scotland were recorded on the CVI system between 27th March and 31st December 2020. Figure 1 shows the relative distribution of the five types of intervention used by police officers. The vast majority (91.7%) of recorded interventions involved use of dispersal powers, either after being 'informed' of the public health risks by police officers (71.6%) or after being explicitly 'instructed' to disperse (20.1%). A further 0.7% of interventions involved 'removal' of a person from a place or premises (e.g. being escorted from a location or being taken home). These three types of intervention broadly conform to the first three of the 'Four Es' (i.e. engagement, explanation and encouragement).

Less than one in twelve of all interventions involved use of the Fourth E (i.e. enforcement). An estimated 7.1% of interventions involved the issue of an FPN, while in a further 0.5% of incidents an individual was arrested. This indicates that, even when enforcement was used, the vast majority

¹⁴ See Police Federation announcement on 26th March 2020: <https://www.polfed.org/news/latest-news/2020/guidance-offered-on-new-police-powers/>; and HMICFRS report published on 29th April 2021 <https://www.justiceinspectorates.gov.uk/hmicfrs/publication-html/the-police-response-to-the-coronavirus-pandemic-during-2020/>

(93.4%) of such instances involved use of a financial penalty that does not count as a criminal conviction. Overall, therefore, the CVI system indicates that enforcement represented a relatively small proportion of all policing activity during this phase of the pandemic; and the vast majority of enforcement was at the lowest end of the tariff in terms of a punitive response.

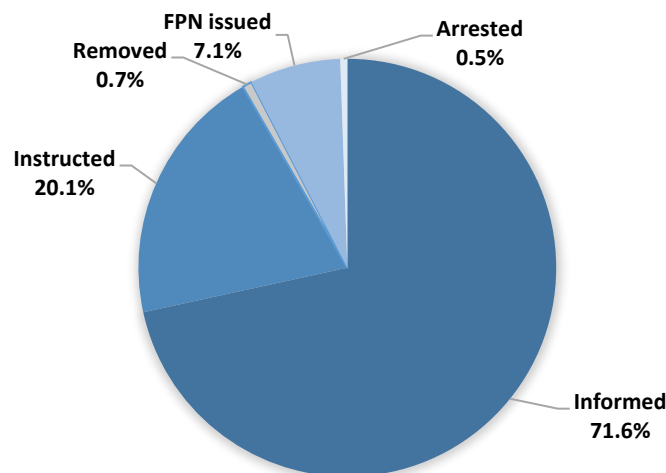


Figure 1: Distribution of interventions recorded on the CVI system in Scotland, 27th March to 31st December 2020 (n=97,948)

Although enforcement represented a small proportion of all policing activity, there was some variation over time in the relative use of enforcement compared to other types of activity. Figure 2 illustrates the relative daily distribution of the first three Es in comparison to the use of enforcement (with FPNs and arrests combined) between 27th March and 31st December 2020. It shows that encounters with the public predominantly involved engagement, explanation, and encouragement throughout 2020. However, use of enforcement was relatively high at the start of the pandemic (peaking at around 30% of all interventions in early April). Over the summer months when the total number of interventions declined, enforcement was barely used. However, from September onwards there was a gradual increase in the relative use of enforcement, peaking at between 40 to 50% of all interventions on some days during November and December.

The subsequent sections of this report are mainly based on data provided by Police Scotland that captures the actual number of FPNs issued during 2020. The number of FPNs in the subsequent analysis is, therefore, higher than that in the preceding analysis, which is based on CVI data. Nevertheless, it is important to bear this wider policing context in mind – and the relatively low use of enforcement overall - when considering the detailed information on FPNs.

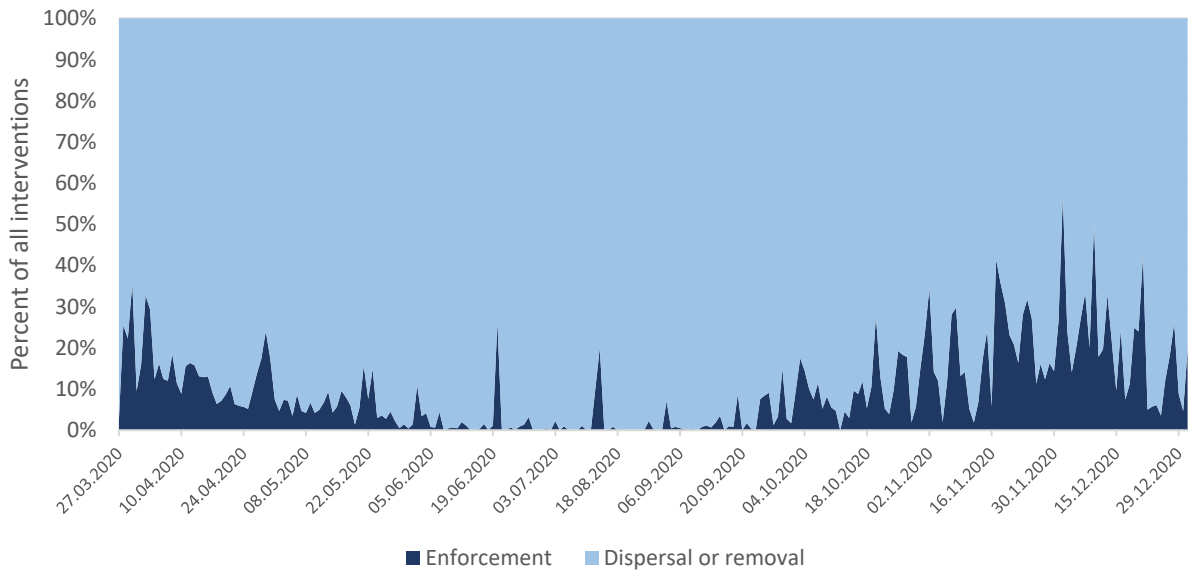


Figure 2: Change over time in the relative daily use of ‘dispersal or removal’ and ‘enforcement’ as recorded on the CVI system in Scotland, 27th March to 31st December 2020 (n=97,925)¹⁵

4 General profile of Fixed Penalty Notices

4.1 Number of Fixed Penalty Notices issued

A total of 8,273 FPNs were issued under the Coronavirus Regulations in Scotland between 27th March and 31st December 2020. The vast majority (98.2%, n=8,124) of these tickets were issued to individuals who were resident in Scotland at the time.

The number of FPNs issued as a result of the Coronavirus is small in comparison to other policing activity; for example, the police recorded around 380,000 crimes and offences over roughly the same time period.¹⁶ This means that a very small proportion (an estimated 0.18%) of the Scottish population was issued an FPN for breaching the Coronavirus Regulations during this period.¹⁷ This is higher than the figure reported during the previous analysis of FPNs issued to the end of May 2020 (which was less than 0.1%)¹⁸; however, this reflects the fact that the total number of FPNs issued almost doubled between May and December 2020.

It is likely that the relatively low number of FPNs issued in Scotland reflects a combination of the high levels of adherence to the Coronavirus Regulations that were observed amongst most members of the population during the pandemic in Scotland¹⁹ and Police Scotland’s commitment to the use of the Four Es strategy.

¹⁵ Note that any days with less than 10 interventions in total have been excluded from this analysis, as small numbers can distort patterns in the data and give a misleading picture of activity.

¹⁶ <https://www.scotland.police.uk/spa-media/t13dedwk/covid-19-weekly-bulletin-to-30-december-2020.pdf>

¹⁷ This figure is an estimate as it is based on the total number of tickets issued, not the number of people issued tickets; therefore, the true figure is likely to be lower than 0.18%.

¹⁸ See Section 3 of McVie, S (2020) [Data Report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#).

¹⁹ See the results of the Scottish Police Authority public surveys: <https://www.spa.police.uk/strategy-performance/oversight-of-policing-covid-19/>; and findings from the Scottish Government (2021) [Covid-19 Support Study](#).

4.2 Trend over time in Fixed Penalty Notices issued

The trend over time in use of FPNs is shown in Figure 3 as a seven-day rolling average between 27th March and 31st December 2020. The dark line shows the average number of FPNs issued, and the light line shows the average number recorded on Police Scotland's CVI system. Both trend lines show three 'phases' of policing activity in relation to FPNs which are broadly reflective of the tightening and easing of restrictions in Scotland.²⁰

Phase one - March to June 2020: This phase represents the period of the first national lockdown in Scotland. It shows a sharp surge in the use of enforcement during the first three weeks under the new restrictions – peaking around mid-April 2020 - followed by a gradual decline to the end of June 2020. The spikes in enforcement activity during this first phase mainly coincided with bank holidays and exceptionally good weather in Scotland, as well as some changes in messaging around restrictions of movement.²¹ As restrictions started to ease, use of enforcement became far less prevalent. Just over half (55.1%, n=4,558) of all FPNs were issued during phase one.

Phase two - July to October 2020: This phase covers the lifting of the restrictions during the summer period followed by the introduction of new restrictions across Scottish local authorities in August 2020 and the tightening of rules around the size of gatherings (including the 'rule of six') in September 2020. Use of FPNs remained low during July and August, but started to increase in September. The increase in enforcement at this time coincides with the re-opening of Scottish universities, and reflects an increase in police activity around managing indoor gatherings and parties, many of which involved students in halls of residence or other student accommodation. While the number of FPNs issued during this second phase did reflect an increase in enforcement, the numbers remained low compared with the first phase, which was in line with the use of the Four Es policy. Only one in ten (10.2%, n=844) of all FPNs were issued during this phase.

Phase three - November to December 2020: This coincides with the introduction of the new local authority protection measures (including the Tier system) and reflects a renewed tightening of restrictions on people and businesses prior to the Christmas period. The number of FPNs rose sharply in early November (which includes with a significant number of parties and gatherings reported around Halloween and Bonfire Night), and then declined gradually over November and December, but remained high in comparison to phase two. Around a third (34.7%, n=2,871) FPNs were issued during this third phase.

Overall, trends in the use of FPNs over these three phases were very different and reflect changes in underlying Regulations, as well as changes in the nature and locus of the incidents that were being dealt with by officers (e.g. a shift away from the breaches that were occurring in outdoor locations towards indoor gatherings and house parties). Further analysis of these three phases is provided throughout this report to show changes in the underlying profile and characteristics of those individuals who were receiving FPNs at different points in time.

²⁰ For further details on the precise timeline of the restrictions in Scotland, see <https://spice-spotlight.scot/2021/07/23/timeline-of-coronavirus-covid-19-in-scotland/>.

²¹ See McVie, S. et al. (2020) [Interim report on data for the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis](#).

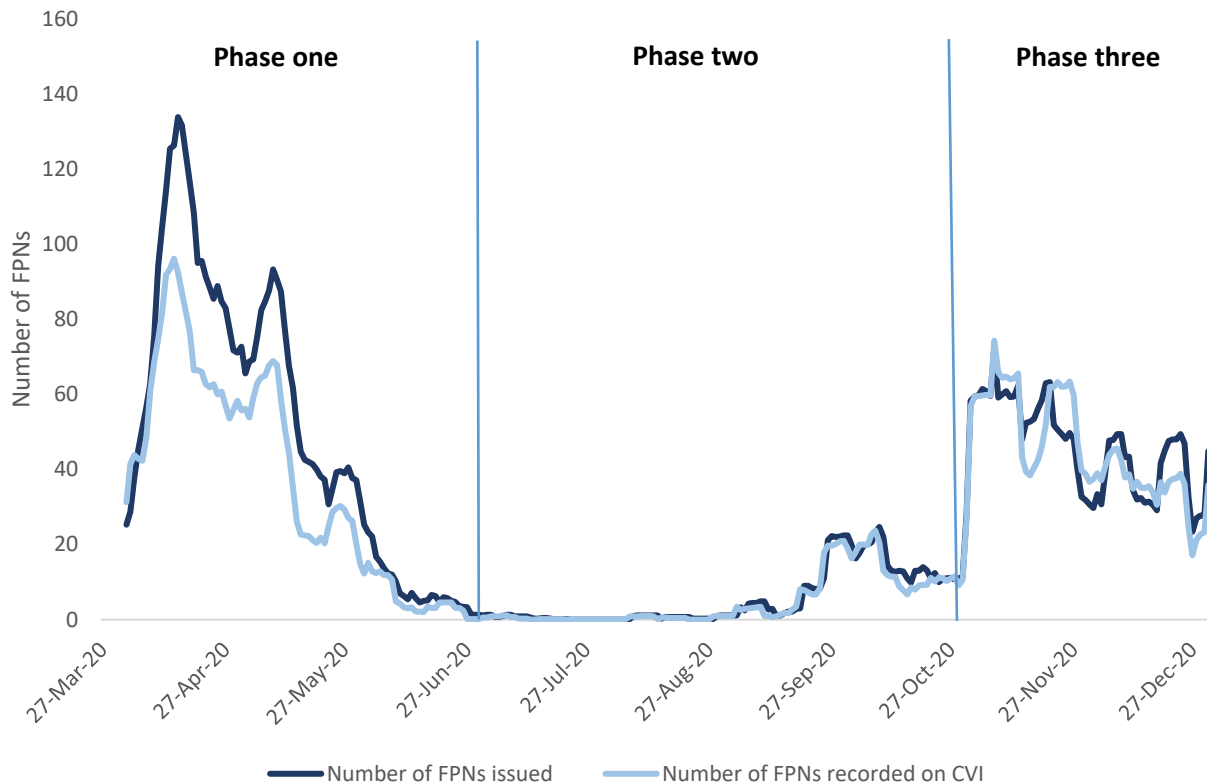


Figure 3: Comparison of seven day rolling average of FPNs issued ($n=8,273$) and recorded on the CVI system ($n=6,907$) in Scotland, 27th March to 31st December 2020

4.3 Comparison of FPN and CVI data

The total number of FPNs issued ($n=8,273$) was almost twenty per cent larger than the number recorded on the CVI system over the same period ($n=6,907$). As noted earlier, the CVI provides an under-estimate of actual policing activity because it was not compulsory to enter data into this system. It is likely that recording was lower on days where overall levels of policing activity were higher, and officers simply did not have time to complete it. In addition, some tickets that were issued and then rescinded by Police Scotland may not have been recorded on the CVI system.

Despite the sizeable difference in the number of FPNs recorded on these two systems, the trend lines shown in Figure 3 are remarkably similar. This suggests that the CVI system gives an accurate picture of the changing trend over time in policing activity, if not the absolute level. Moreover, Figure 3 suggests that the degree of discrepancy between the two data sources diminished over time, which indicates that police officer recording on the CVI system improved over time. There is some minor variance, which could be due to slight differences in the recording dates. Nevertheless, the similarity in the two trend lines suggests that the creation of the CVI System was a worthwhile investment in terms of providing a reasonable estimate of the extent and nature of policing activity during the pandemic.

5 Monetary value of Fixed Penalty Notices

Unlike other domestic legislation around the use of financial penalties in Scotland, the Coronavirus Regulations set out an incremental penalty structure for those who were in breach of the rules. For a first offence, a fine of £60 could be issued, which was reduced to £30 if paid within 28 days. Thereafter, the Regulations provided that a further four FPNs could be issued by the police, with the amount of the fine doubling each time up to a maximum of £960. However, Lord Advocate's Guidelines issued in Scotland instructed that it would not be appropriate for police officers to issue more than four FPNs under the Regulations (mainly because this would be out of alignment with restrictions on the maximum amount of fine that could be issued by Procurators Fiscal, which is set at £500).²² Therefore, in practice, FPNs up to a maximum of £480 were issued in Scotland.²³

The distribution of FPNs issued by the value of the ticket (as recorded by the issuing office) between 27th March and 31st December 2020 is shown in Figure 4. The vast majority (92.3%) of FPNs issued during this time period were recorded as being for the lowest ticket amount of £60.²⁴ A further 5.7% of FPNs with a value of £120 were issued and only 1.4% had a value of £240. As can be seen in Figure 4, an extremely small number of tickets issued (0.6% of the total) had a value of £480. From these figures, it can be estimated that around 13.4% of all tickets were issued to individuals who received more than one; although, this may be an underestimate as there were some individuals who were issued more than one £60 ticket (either in error or because a prior ticket had been rescinded).²⁵

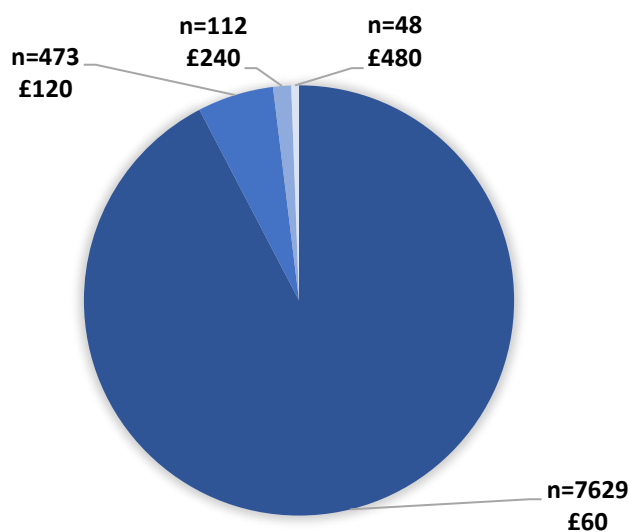


Figure 4: Distribution of FPNs issued by value in Scotland, 27th March to 31st December 2020 (n=8,262)

Figure 4 indicates that repeated use of ticketing was relatively rare, which means an extremely small number of individuals in Scotland were subject to the maximum level of enforcement as a result of breaching the Coronavirus Regulations. The prevalence of repeat ticketing also appears to have reduced

²² [Lord Advocates Guidelines on the Operation of the FPN Scheme issued March 2020.](#)

²³ Note that very different payment structures were in operation in other parts of the UK. See guidance issued by the Metropolitan Police: <https://www.met.police.uk/advice/advice-and-information/c19/coronavirus-covid-19/coronavirus-covid-19-police-powers/>

²⁴ There were 11 FPN cases with missing information on the amount of the ticket issued.

²⁵ Prior analysis of FPN data to the end of May 2020 found that 21.9% of all tickets were issued to individuals who had received two or more. Section 3 of McVie (2021) [Second data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#)

over time. Looking at the three phases of policing activity, described in Section 4.3, the proportion of FPNs issued with a value of £120 or more was highest during phase one (10.8% of all tickets) and diminished during phase two (5.1%) and again during phase three (3.4%). This could be explained by less frequent use of repeat ticketing by police officers and/or fewer repeated infractions of the law by the same individuals as time went on (although this would need to be verified using data based on people rather than tickets).

6 Demographic profile of Fixed Penalty Notices

6.1 FPNs by age and sex

Looking at all FPNs issued between 27th March and 31st December 2020, Table 1 shows that three quarters were issued to males and a quarter to females. This represents a disparity rate of 3.0 between men and women (i.e. FPNs were three times more likely to be issued to men than women). Published data for the UK suggest that ‘complete compliance’ amongst women was higher than that amongst men throughout the pandemic, although ‘majority compliance’ was virtually identical.²⁶ Therefore, the disparity between men and women in the level of enforcement appears to be wider than the disparity in terms of self-reported compliance. This suggests that something other than the person’s sex was responsible for the higher level of enforcement amongst men.

Table 1 also summarises the age profile of those who were issued FPNs and shows that a very high proportion were in the younger age groups. Indeed, just over a half (53.4%) of all tickets were issued to people up to the age of 25, and two thirds (66.2%) were issued to people up to the age of 30. Published data for the UK shows that the level of both ‘complete compliance’ and ‘majority compliance’ amongst those aged under 30 was lower than for older age groups throughout the pandemic, and the compliance gap between age groups increased markedly over time.²⁷ This also helps to explain the age pattern shown in Table 1.

A very small proportion of all tickets (3.4%) was issued to people aged 16 or 17 years; however, this reflects a quirk of the Scottish legislation. Regulation 9 of the original Health Protection Restrictions in Scotland stipulated that anyone aged 16 or over could be issued an FPN. The Children and Young People’s Commissioner Scotland (CYPCS) raised an objection on the grounds that this age limit was incompatible with the definition of a child under the UN Convention on the Rights of the Child and in areas of Scots law.²⁸ As a result, the lower age limit was increased to 18 by the Coronavirus (No. 2) (Scotland) Act and came into effect on 27th May 2020. This means that FPNs should only have been issued to individuals of age 16 or 17 for two months at the start of the pandemic. Analysis of the FPN data shows that an extremely small number (n=24) of FPNs (all of a value of £60) were issued to individuals aged 16 or 17 after the legislation was amended. However, it is most likely that this occurred in circumstances where the age of the individual could not be verified by officers at the time of issue, and the tickets would have been subsequently withdrawn.

²⁶ See Figures 2i and 2u in Fancourt, D. et al. (2021) [Covid-19 Social Study: Results Release 33](#). UCL Report.

²⁷ See Figures 2a and 2m in Fancourt, D. et al. (2021) [Covid-19 Social Study: Results Release 33](#). UCL Report.

²⁸ See CYPCS statement issued 12th May 2020: <https://cypcs.org.uk/coronavirus/our-coronavirus-work/full-text-stage-1-coronavirus-2-debate/>

Table 1: Sex and age profile of people issued FPNs in Scotland, 27th March to 31st December 2020

	Number of FPNs issued	Percent of all FPNs issued
Sex²⁹		
Male	6,210	75.2
Female	2,045	24.8
Age³⁰		
16-17	282	3.4
18-20	2,156	26.1
21-25	1,982	24.0
26-30	1,058	12.8
31-35	778	9.4
36-40	633	7.7
41-45	500	6.0
46-50	358	4.3
51-55	248	3.0
56-60	170	2.1
Over 60	105	1.3

Note: Some individuals will be represented more than once as multiple tickets could be issued.

Although the number of FPNs issued to women was far smaller than that for men, Figure 5 shows that the overall age profile for men and women was more or less identical. Compared to the overall Scottish population profile³¹, there is a clear skew in the distribution of those issued FPNs which means that they were overwhelmingly issued to both men and women at the younger end of the age spectrum. These findings fit with wider evidence that younger people – and especially young men - were more likely to breach the Regulations than older people.³² In particular, research has found that levels of compliance were lowest amongst people under the age of 30, and this increased as the lockdown progressed, which again helps to explain the age profile of FPNs issued in Scotland.³³

Nevertheless, there are likely to be other factors that explain this pattern. For example, regulatory breaches by younger people may have involved larger gatherings than those of older people and were, therefore, more likely to come to the attention of the police. In addition, the activities of younger people may have been more visible or disruptive to others (e.g. loud parties) and, therefore, more likely to be reported to the police than those of older people. It is also possible that younger people may have been less likely than older people to respond to police use of the first three Es, therefore resulting in more frequent use of enforcement. In addition, large gatherings of younger people may have been

²⁹ There were 18 FPNs with no information on the sex of the recipient.

³⁰ There were three FPNs with no information on the age of the recipient.

³¹ Scottish population data was based on the most recently available mid-year population estimates for 2019, from the National Records of Scotland: <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2019>

³² [IPSOS Mori Coronavirus Poll](#) (November 2020); Levita, L. (May 2020) [Initial research findings on the impact of Covid-19 on the well-being of young people aged 13 to 24 in the UK](#).

³³ Fancourt, D., Bu, F., Mak, H.W. and Steptoe, A. (2020) Covid-19 Social Study. Results Release 9. Nuffield Foundation. <https://mk0nuffieldfounpg9ee.kinstacdn.com/wp-content/uploads/2020/04/COVID-19-social-study-results-release-20-May-2020.pdf>

more likely to result in tickets being issued to multiple people, which would also contribute to this overall age pattern.

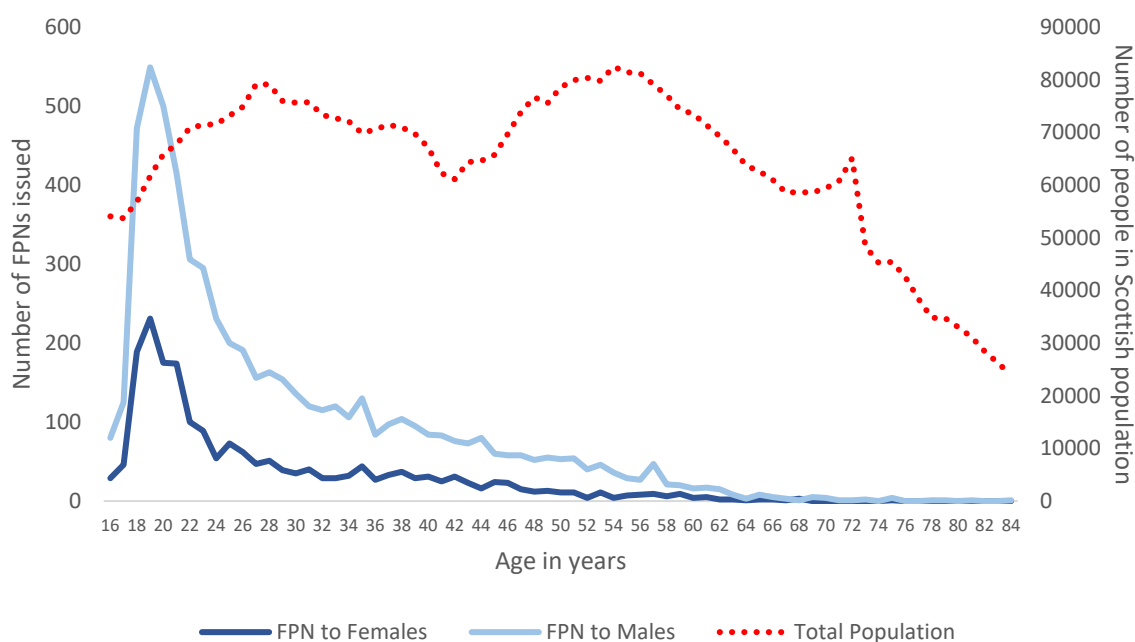


Figure 5: Number of FPNs issued by age and sex in Scotland, 27th March to 31st December 2020 (n=8,720)³⁴ compared to the Scottish population aged 16+ (n=4,414,816)

Generally speaking, the profile of FPNs shown in Figure 5 suggests that age was a far more important factor in determining police use of enforcement than sex. Nevertheless, the effect of sex was not equal across all ages, as shown in Figure 6. Looking at the rate of FPNs issued per 10,000 men and women in Scotland, it is clear that FPNs were more likely to be issued to men than women across all age bands. However, the red line shows that the disparity between men and women increased with age. In other words, while the absolute likelihood of being issued an FPN decreased with age for both men and women, the relative likelihood of being fined fell faster for women than it did for men (which means the disparity gap widened). This could be explained by general patterns of offending, with greater levels of desistance amongst women compared to men. Published data on rates of compliance suggest that women were more compliant than men; although, recent published data suggest that female offenders aged over 40 had around the same rate of reconviction as men.³⁵ Unfortunately, published data on levels of compliance amongst men and women across different age groups could not be accessed.

³⁴ This excludes individuals issued FPNs who were not resident in Scotland (n=149) to allow for comparison with the population data.

³⁵ Scottish Government (2020) [Reconviction rates in Scotland: 2017-18 Offender Cohort](#).

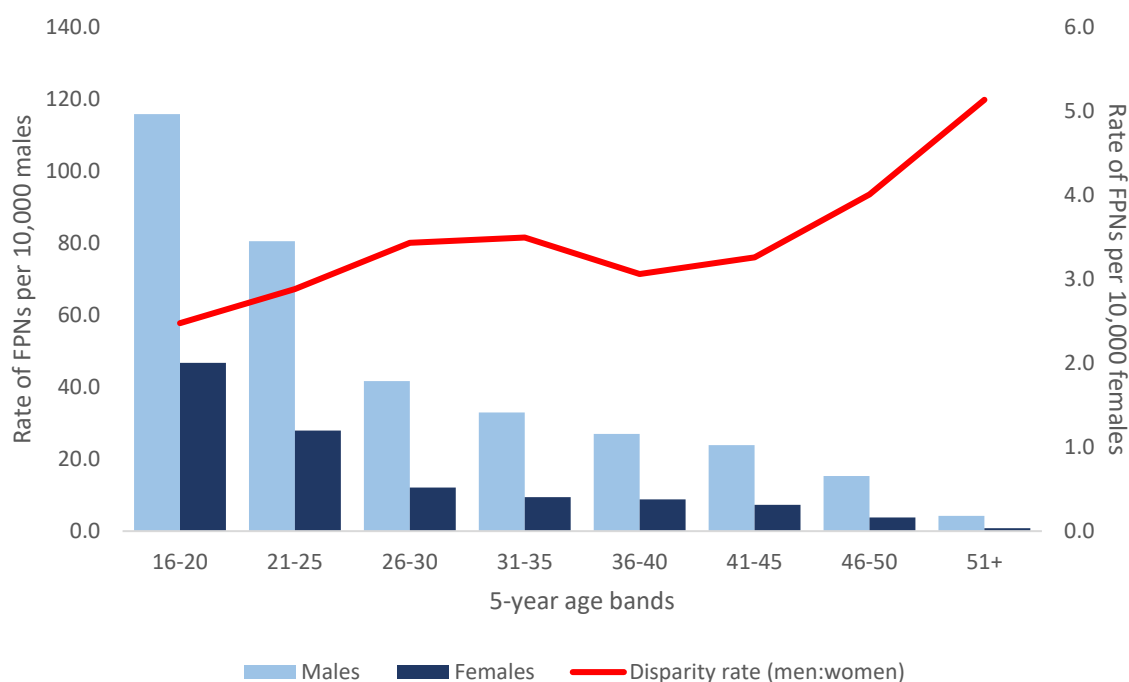


Figure 6: Rate of FPNs issued by age and sex in Scotland, 27th March to 31st December 2020 (n=8,106)³⁶

It is important at this point to reflect on how the age and sex profile of those who were issued FPNs changed over the three phases of the pandemic. Between phase one (March to June 2020) and phase two (July to October 2020), the proportion of FPNs issued to women fell slightly (from 21.7% to 18.6%); however, it increased substantially to 31.4% during phase three (November to December 2020). This could indicate a change in the underlying behaviours, motivations and/or levels of adherence to the Regulations amongst males and females. Alternatively, it could reflect an underlying shift in the circumstances in which FPNs were being issued by the police. For example, during phase three policing activity was far more focused on large gatherings and house parties, rather than outdoor breaches of the Regulations, and it is possible that indoor breaches were increasingly being organised or populated by women over this period.

There were also substantial changes in the age profile of those issued FPNs over the three phases. Figure 7 shows that during phase one, around half (53.6%) of all FPNs were issued to people up to the age of 30; however, during phase two this increased to over eight in ten FPNs (82.0%) and remained at around the same level (81.5%) during phase three. The difference in the proportion of all FPNs that were issued to people aged between 16 and 20 years between phase one and phases two and three is particularly notable, as it more than doubled.

³⁶ This excludes individuals not resident in Scotland at the time of being issued an FPN.

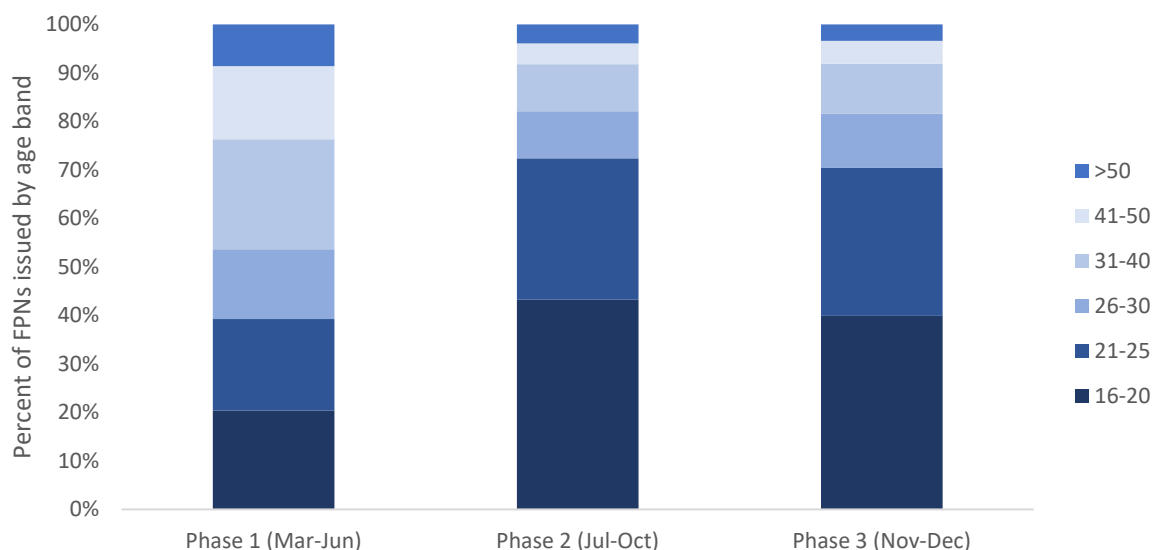


Figure 7: Percentage of FPNs issued by age band across the three phases of lockdown, 27th March to 31st December 2020 (n=8,273)

It is important to remember that the overall number of FPNs issued during phase two was much smaller than the other two phases. However, the increase amongst younger age groups during this period was largely due to major concerns about the spread of the Coronavirus amongst younger people, and especially the student population during their return to universities in September and October 2020. New Regulations introduced on the 14th of September placed tight restrictions on the size of gatherings (referred to as the ‘rule of six’) had a particular impact on younger people, especially students living away from home in halls of residence and other student accommodation. During this time, the police in Scotland were reported to be breaking up ‘hundreds of house parties every week despite the ongoing ban on home visits because of Covid-19’.³⁷

The overall number of FPNs issued during phase three was more than three times greater than during phase two; however, the age profile continued to reflect higher levels of enforcement amongst those at the younger end of the age spectrum. This undoubtedly reflects some continuing issues with the student population. However, reports of growing unrest at the restrictions placed on the population³⁸ and the further tightening of restrictions across some council areas in November, makes it probable that the age profile of FPNs during phase three was representative of a much wider problem of growing non-compliance within the population, especially amongst younger people.

A study by the Office for National Statistics found that many younger people, and especially students, were less concerned about following the guidance around social contact as they believed that they were less likely to catch the virus or, if they did, less likely to be seriously affected by it.³⁹ News reports also show that the police were dealing with an increasing number of various different types of house parties (not just involving students) across the whole of Scotland in the weeks running up to Christmas.⁴⁰

³⁷ Marc Ellison, BBC Scotland (28th October 2020) [Covid in Scotland: Police break up hundreds of parties every week](#).

³⁸ Scott Macnab, The Scotsman (9th September 2020) [Scotland faces growing public ‘unrest’ over Covid lockdown, MSPs warned](#).

³⁹ Office for National Statistics (12 April 2021) [Coronavirus and compliance with government guidance, UK: April 2021](#).

⁴⁰ Mark Ellison, BBC Scotland (17 December 2020) [Police Scotland make repeat visits to break up illegal house parties](#).

6.2 FPNs by ethnic group

The pandemic is known to have had a particularly severe impact on people from Black, Asian or Minority Ethnic (BAME) backgrounds within the UK.⁴¹ In Scotland, it has been reported that people from BAME groups experienced the economic effects of the crisis more severely than white people.⁴² Particular stressors impacting on people from BAME backgrounds included the closure of particular sectors (such as hospitality), unequal access to employment, increases in living costs, lower wages and savings and increased instances of hate crime. In addition, deaths from Covid-19 amongst those from the South Asian community in Scotland were found to be twice as high as deaths amongst white people.⁴³ Therefore, it was important to examine whether there were any differences in use of enforcement across different ethnic groups.

Looking at the FPNs issued between 27th March and 31st December 2020 where ethnic group was recorded, Figure 8 shows that the vast majority (93.6%) were issued to people from white backgrounds.⁴⁴ The most recent population estimates show that 94.3% of the Scottish population is white, which suggests the overall proportion of FPNs issued to white people was similar to the population as a whole.⁴⁵

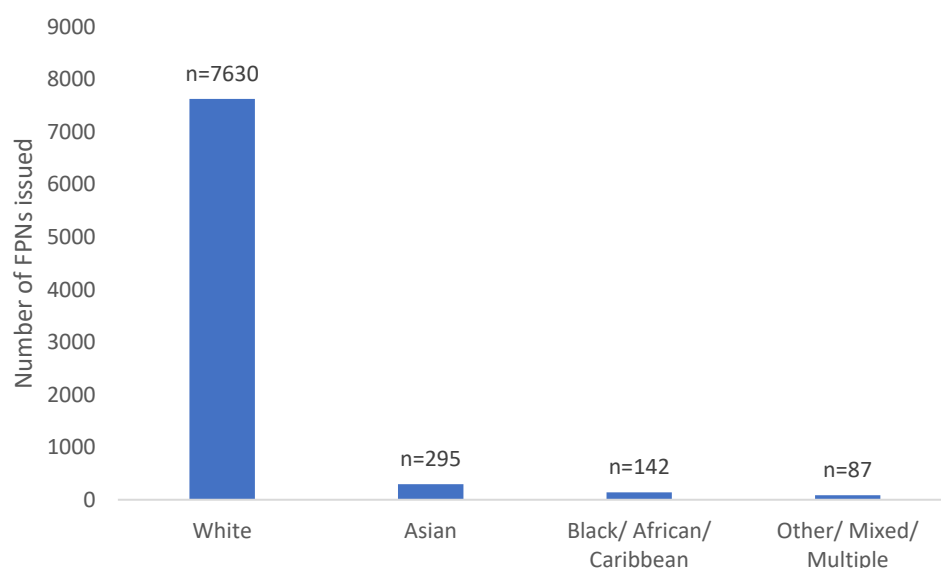


Figure 8: Profile of FPNs by ethnic group in Scotland, 27th March to 31st December 2020 (n=8,154)

Figure 8 also shows that the number of FPNs issued to those from non-white backgrounds was extremely small (reflecting only around 0.01% of the Scottish population aged 18 or over). Only 3.6% of all FPNs were issued to people from an Asian background (who make up 3.0% of the population), 1.7% were issued to people from Black, African or Caribbean background (who make up 1.1% of the population), and 1.1% went to people from multiple, mixed or other ethnic groups (who make up 1.6% of the population). So while the overall profile of FPNs issued to 'white' and 'any BAME' groups was

⁴¹ House of Commons Women and Equalities Committee (8 December 2020) [Unequal impact? Coronavirus and BAME people.](#)

⁴² Scottish Government (2020) [The Impacts of Covid-19 on Equality in Scotland.](#)

⁴³ National Records of Scotland (8 July 2020) [Analysis of deaths involving coronavirus \(COVID-19\) in Scotland, by ethnic group.](#)

⁴⁴ There were 119 FPNs with missing information on ethnicity.

⁴⁵ Population comparisons and rates by ethnicity were based on estimates from the 2020 Annual Population Survey, provided on request by the National Records of Scotland. Note that it was not possible to conduct analysis for any specific ethnic groups within these four broad categories.

similar to the population, there were some slight differences in terms of specific ethnic categories; however, the numbers are so small that it is impossible to say that this reflected any real difference.

Population figures were used to estimate the likelihood of receiving an FPN by ethnic group based on the rate per capita of FPNs. Due to the very small numbers in each of the BAME categories, these have been combined into one group to improve the reliability of the rates. Note that these rates are estimates because the data represent ‘tickets’ and not ‘people’. This means that rates could be artificially inflated if people from one demographic group were more likely to receive multiple tickets than those from another group. Figure 9 shows the estimated rates per capita for people from white backgrounds compared to those from any BAME group. It shows that FPNs were slightly more likely to be issued to people from BAME backgrounds at a rate of 16.4 per 10,000 people compared to white people at a rate of 14.8 per 10,000 people. The estimated disparity rate between those from BAME backgrounds compared to white people was 1.1. It is not possible to determine whether this difference between groups was statistically significant as the analysis was not based on individuals. Nevertheless, it is extremely small and represents little substantive difference.



Figure 9: Rate of FPNs issued per 10,000 people in Scotland by ethnic group, 27th March to 31st December 2020 (n=8,012)⁴⁶

Published data for the UK as a whole shows that reported levels of ‘majority compliance’ and, especially, ‘complete compliance’ were consistently lower amongst people from minority ethnic backgrounds during the course of the pandemic.⁴⁷ This does not mean that people’s non-compliance was directly related to their ethnicity; it may have been variously related to their sex, age, employment status or other behavioural factors. Nevertheless, there is evidence that people from BAME backgrounds were more likely to be subject to enforcement in some parts of the UK. A report on FPNs issued by police forces in England and Wales found a disparity rate of 1.8 in the use of enforcement against those from BAME backgrounds, compared to white people, during lockdown.⁴⁸ Earlier analysis of FPN data from Scotland also found a higher rate of enforcement amongst those from BAME backgrounds during the initial phase of the pandemic, although the disparity of 1.3 was much lower than that for England and Wales.⁴⁹

Table 2 shows how the ethnic profile of FPNs changed across the three phases of the pandemic. The vast majority of FPNs were issued to white people during all three phases; nevertheless, there was a

⁴⁶ Excludes FPNs where ethnicity was not recorded and those issued to people who were not resident in Scotland.

⁴⁷ Figure 2j and 2v in Fancourt, D. et al. (2021) [Covid-19 Social Study: Results Release 33](#). UCL Report.

⁴⁸ Currenti, R. and Flatley, J. (2020) [Policing the Pandemic: Detailed analysis on police enforcement of the Public Health Regulations and an assessment on disproportionality across ethnic groups](#).

⁴⁹ McVie, S. (2021) [Second data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#)

slight shift over time. The percentage of all FPNs that were issued to people from BAME backgrounds was slightly higher in phase two compared to phase one; however, it was far lower in phase three. Based on the population profile, this means that the likelihood of being issued an FPN was lower for people from BAME backgrounds than that for white people during November and December 2020.

Table 2: Percentage of FPNs issued by ethnic group across the three phases of lockdown, 27th March to 31st December 2020

	Phase one	Phase two	Phase three	Total
White	92.7%	92.3%	95.4%	93.6%
BAME	7.3%	7.7%	4.6%	6.4%
<i>Total</i>	<i>4489</i>	<i>843</i>	<i>2822</i>	<i>8154</i>

Observed differences in the proportion of people from white and non-white backgrounds who received FPNs may well reflect other aspects of people’s characteristics and circumstances rather than their ethnicity. For example, individuals from BAME backgrounds who received an FPN were significantly more likely to be male than those from white backgrounds (88.8% compared to 74.3%, respectively). In addition, FPN recipients from BAME backgrounds had a significantly lower mean age compared to those from white backgrounds (26.9 years compared to 28.9 years, respectively). Therefore, changes in the age and sex profile over time may have influenced the ethnic profile of those receiving FPNs one way or another. Published population data does not enable us to explore rates based on the overall age and sex profile of those from BAME backgrounds; however, the much bigger influence of age and sex on likelihood of receiving an FPN suggest that demography, rather than ethnicity, may explain any differences between white and non-white groups.

6.3 FPNs by country of birth

There is relatively little information across the UK on the impact of the pandemic for those born in other countries. Nevertheless, the International Observatory of Human Rights (IOHR) notes that the “Covid-19 pandemic has exacerbated the inequalities in society and emphasized the gaps in the protection of migrants, including refugees and asylum seekers”.⁵⁰ In addition, a cross-comparative study of Organisation for Economic Co-operation and Development (OECD) countries found that immigrants were affected more severely by Covid-19 than native-born people in terms of infection risks, mortality rates, labour market instability, educational disadvantage, negative communication campaigns and hate crime.⁵¹ Given that these forms of disadvantage may have impacted on the ability or willingness of individuals to comply with the Coronavirus Regulations, analysis of the FPN data was undertaken by country of birth.

Figure 10 shows that 89.3% of all FPNs were issued to individuals who were born in the UK. This is slightly lower than the population figure published by NRS which shows that 92.8% of the Scottish population were born in the UK.⁵² Of the remaining FPNs, 5.7% were issued to those born in other EU countries (compared to 4.3% of the population) and 4.9% were issued to people born elsewhere in the

⁵⁰ International Observatory of Human Rights (June 2021) [The impact of COVID-19 responses on migrants and refugees in the UK](#).

⁵¹ OECD (2020) [What is the impact of the Covid-19 pandemic on immigrants and their children](#).

⁵² National Records of Scotland (2019) [Population by Country of Birth and Nationality, 2019](#).

world (compared to 2.9% of the population).⁵³ This suggests a slightly higher likelihood of receiving an FPN amongst those born in countries outside of the UK.

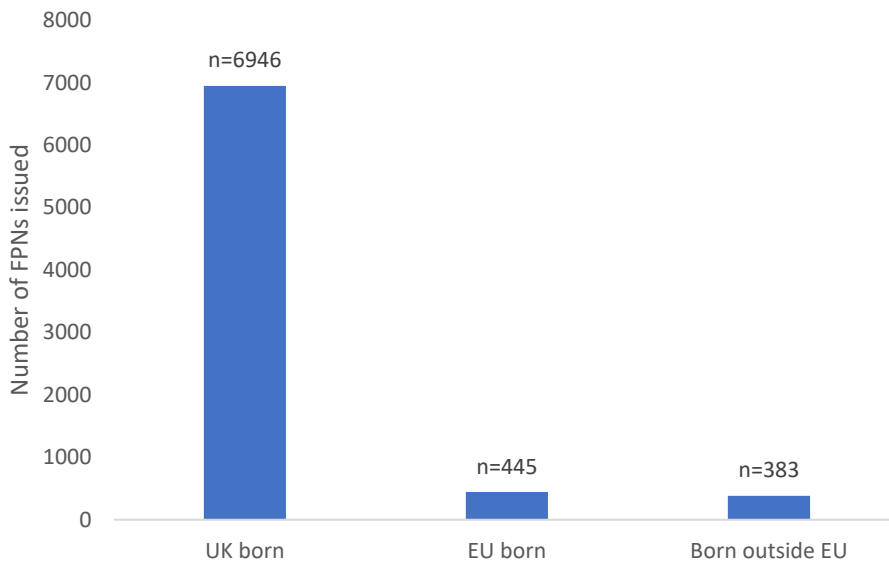


Figure 10: Profile of FPNs in Scotland by country of birth, 27th March to 31st December 2020 (n=7,774)

Taking account of population size (and restricting the analysis to those who were resident in Scotland at the time the FPN was issued), Figure 11 shows the estimated rate per capita of FPNs issued based on the most recent Scottish population figures. As noted previously, these rates are only estimates since the data represent ‘tickets’ and not ‘people’, which means they could be artificially inflated if people from any one group were more likely than the others to receive multiple tickets. The estimated rates suggest that FPNs were less likely to be issued to UK born people (13.7 per 10,000 people) compared to those born in EU countries (18.3 per 1,000 people), while the highest rate per capita was found amongst those who were born elsewhere in the world (23.6 per 10,000 people). Compared to those born in the UK, the estimated disparity rate for FPNs issued to EU born people was 1.3, while for those born outside the EU it was 1.7.

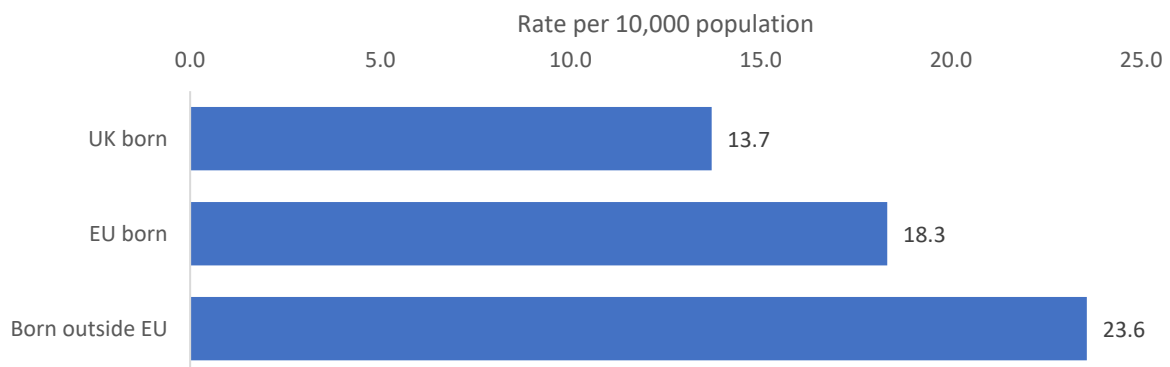


Figure 11: Rate of FPNs issued per 10,000 people in Scotland by country of birth, 27th March to 31st December 2020 (n=7,637)⁵⁴

⁵³ There were 499 FPNs with missing information on country of birth.

⁵⁴ Excludes FPNs where country of birth was not recorded and those issued to people who were not resident in Scotland.

Looking in more detail at those born outside the UK, the estimated rate per capita was highest for those born in the EU2 countries (Bulgaria and Romania) at 38.4 per 10,000 people, reflecting an estimated disparity rate of 2.8 compared to those born in the UK. However, it is important to note that this represents only 73 FPNs, which was just under 1.0% of the total issued where country of birth was known, and so this estimated rate may not be reliable.

Both the IOHR and OECD reports, referenced above, found that immigrants were concentrated in ‘essential occupations’ (such as domestic, cleaning care and food processing services) that could not be undertaken from home. Looking specifically at the impact of the pandemic on Eastern European workers within the UK, the Huffington Post reported cases of people who were not key workers being ‘forced’ to work in cleaning, non-essential construction and housing renovation jobs during the initial lockdown period.⁵⁵ Notably, those from the EU2 countries (Romania and Bulgaria) were by far the most likely of all UK migrant groups to be self-employed (22% compared with 13% of EU8 and 10% of UK-born)⁵⁶, which is likely to have placed a particular economic strain on these individuals during lockdown.⁵⁷ It is entirely possible that working in these types of precarious labour market roles could have made people born outside the UK more visible during periods of the lockdown, which may have increased their likelihood of being reported to, or coming to the attention of, the police. There is also some evidence that keyworkers were less likely to comply completely with the rules, although no data on whether this varied by country of origin.⁵⁸

There were some changes over time in the relative distribution of FPNs issued according to country of birth, as shown in Table 3. While the majority of people issued an FPN in all three phases was born in the UK, Table 3 shows that the proportion of all fines that were issued to people who were born outside of the UK was higher during phase 2 than during phases one and three.

Table 3: Percentage of FPNs issued by country of birth across the three phases of lockdown, 27th March to 31st December 2020

	Phase one	Phase two	Phase three	Total
UK born	90.5%	85.6%	88.8%	89.3%
EU born	5.2%	6.7%	6.1%	5.7%
Born outside EU	4.3%	7.7%	5.0%	4.9%
Total	4085	836	2853	7774

Note: Columns may not total 100% due to rounding.

The data do not tell us exactly who this impacted on; however, a higher proportion of FPN recipients who were not born in the UK were aged 25 or younger (79.7% compared to 72.3% of those who were UK born). So, the increase in the proportion of FPNs issued to non-UK nationals during phase two could well be linked to students. A report published by the Scottish Government in 2018 showed that 22% of people who enrol on higher education courses in Scotland are international students, which is higher

⁵⁵ Huffington Post (12/5/20) [First Brexit, Now This: How UK’s Covid-19 Crisis has Hit Eastern European Workers](#).

⁵⁶ The EU-2 countries are Bulgaria and Romania. The EU-8 countries are Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

⁵⁷ Figures taken from Figure 7 on the [Migration Observatory website](#) (accessed 18th November 2020):

⁵⁸ See Figure 2f in See Figures 2i and 2u in Fancourt, D. et al. (2021) [Covid-19 Social Study: Results Release 33](#). UCL Report.

than any other part of the UK.⁵⁹ Therefore, it is possible that different enforcement profile by country of birth during phase two reflects an increase in fines amongst young people from outwith the UK who came to study in Scotland and breached the restrictions that were introduced to prevent social gathering in an effort to reduce the spread of the Coronavirus. Nonetheless, it is important to bear in mind that the actual number of non-UK nationals who received FPNs was very small in real terms (as shown in Figure 10).

7 Criminal history profile of Fixed Penalty Notices

Interviews with police officers conducted by Her Majesties Inspector of Constabulary in Scotland (HMICS) in June 2020 reported that most people were perceived to have adhered to the Regulations and public guidance during the initial lockdown.⁶⁰ However, concern was raised about a small proportion of the population who had created a disproportionate amount of work from a policing point of view. The report noted that ‘Officers interviewed said challenges emerged with some members of the public who were living chaotic lifestyles and seemed intent on non-compliance, regardless of attempts to utilise all strands of the 4 Es approach. On these occasions, this appeared to be due to an indifferent attitude to the overall public health objectives, the legislation and consequences for breaching same, therefore enforcement was not seen as an effective deterrent’ (HMICS 2020: 4).

By the time a second round of interviews was conducted in April/May 2021, police officers’ perceptions of public compliance had changed. The report noted that ‘Whilst the vast majority of the public have been compliant and have remained supportive of the police, public compliance has waned over time and latterly there has been a greater incidence of individuals interpreting the rules to suit their own ends’ (HMICS 2021: 3). Officers indicated that compliance was lower amongst some groups, including younger people and those with mental health difficulties, and that ‘a sizeable minority of officers had experienced a lack of support from those they engaged with’ (HMICS 2021: 7).⁶¹ This view was expressed in particular by officers who had dealt with house parties and large gatherings, with specific reference being made to repeated calls to student accommodation, although concern was expressed about an attitude of defiance from young people in general. It was also stated that there was a quicker acceleration through the Four Es to the enforcement stage in areas where public health concerns were greater.

Prior analysis of the Scottish FPN data, covering the period from 27th March to 31st May 2020, found that 82.0% of all FPNs were issued to individuals who were already known to Police Scotland’s Criminal History System (CHS).⁶² Analysis of this more recent data to 31st December 2020 found that this proportion had declined significantly, to 61.9%. This suggests a substantial change in the profile of FPN recipients over time. Unfortunately, it was not possible to conduct detailed analysis on the length of time since the individual first came to the attention of the police as these data were not available.

Women who were issued an FPN were slightly (but not significantly) more likely to have a prior criminal history compared to men (63.3% vs 61.6%, respectively). Older FPN recipients were substantially more likely to have a prior criminal history than younger recipients (for example, 52.6% for FPN recipients aged 16-20 had a prior history compared to 76.4% of those aged 41-45). In terms of ethnicity, white

⁵⁹ Scottish Government (2018) [The Impact of International Students in Scotland: Scottish Government response to the Migration Advisory Committee’s consultation on the impact of international students in the UK.](#)

⁶⁰ HMICS (2020) [Independent Advisory Group Report on Interviews with Police Scotland Officers and Staff.](#)

⁶¹ HMICS (2021) [Independent Advisory Group Report on interviews with Police Scotland Officers and Staff – Phase II.](#)

⁶² Section 6 of McVie, S. (2020) [Data report on police use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland.](#) Report to the SPA Authority Meeting on 19th August 2020.

people were very slightly (but not significantly) more likely (61.8%) to have a prior criminal history compared to those from BAME backgrounds (59.7%). FPN recipients who were born in the UK were most likely to have a prior criminal history (64.2%) and those born outside the EU least likely (51.4%). These differences were statistically significant; however, they could be affected by length of residence in Scotland amongst those who were not born in the UK (which could reduce their likelihood of being known to the police in Scotland). It is also possible that some individuals may have had a criminal history in another country.

As noted earlier in terms of the changing profile of FPN recipients, Table 4 shows that there was a substantial drop in the percentage of FPNs issued to people with a prior criminal history from 73.5% in phase one to 52.5% in phase two. In phase three, this declined even further to 46.4%. This ties in strongly with the second set of interviews conducted with police officers by HMICS as it suggests that, as the pandemic progressed, the profile of those who were being issued an FPN for breaching the Coronavirus Regulations was widening out to include a more diverse range of people, many of whom were not previously known to be offenders in Scotland.

Table 4: Percentage of FPNs issued by criminal history across the three phases of lockdown, 27th March to 31st December 2020

	Phase one	Phase two	Phase three	Total
No criminal history	26.5%	47.5%	53.6%	38.1%
Prior criminal history	73.5%	52.5%	46.4%	61.9%
<i>Total</i>	<i>4558</i>	<i>844</i>	<i>2871</i>	<i>8273</i>

8 Deprivation profile of Fixed Penalty Notices

The negative effects of the pandemic on the health, mortality, economic and employment outcomes of those living in areas of social deprivation across the UK have been well documented.⁶³ In Scotland, it has been reported that the most disadvantaged people in society were most severely impacted across a range of outcomes, especially in terms of health (e.g. poorer mental health and physical wellbeing, lower life satisfaction and feelings of loneliness) and financial stability (due to the financial downturn, increasing unemployment and associated poverty).⁶⁴ Moreover, analysis of the 2020 Scottish Index of Multiple Deprivation (SIMD) shows that age-standardised death rates are more than twice as high for those living in the 20% most-deprived areas compared to those in the 20% least deprived areas.⁶⁵ Some data has suggested that compliance levels were higher amongst those in lower household incomes, although that could be an artefact of age (i.e. older people on pensions would be classed as low income households).⁶⁶ There is very little data on levels of compliance according to levels of neighbourhood deprivation, although analysis of Scottish data during the first lockdown period found that people living

⁶³ Public Health England (2020) [Disparities in the risk and outcomes of Covid-19](#); Local Government Association information on [Deprivation and Poverty – The Impact of Covid-19](#).

⁶⁴ Scottish Government (2020) [The Impacts of Covid-19 on Equality in Scotland](#).

⁶⁵ Death rates by SIMD can be accessed from Public Health Scotland at [opendata.nhs.scot](#). On 9th August 2021, the crude death rate for those living in the 20% most deprived neighbourhoods in Scotland was 206 per 100,000 compared to 101 per 100,000 for those living in the 20% least deprived neighbourhoods.

⁶⁶ See Figure 2c in Fancourt, D. et al. (2021) [Covid-19 Social Study: Results Release 33](#). UCL Report.

in the 10% most deprived communities were 11.2 times more likely to be issued an FPN for breaching the Coronavirus Regulations than those living in the 10% least deprived communities.⁶⁷

Using the FPN data from 27th March to 31st December 2020, the deprivation profile of all fines issued was analysed using the home datazone of FPN recipients, which were ranked according to the 2020 SIMD.⁶⁸ Analysis was conducted using SIMD deciles (aggregated into ten categories) and quintiles (aggregated into five categories) to compare the proportion of FPN recipients living in the top 10% or 20% most deprived communities, respectively, against other categories. It is important to note that the SIMD is a measure of where somebody lives and does not necessarily reflect where the FPN was issued to the recipient; therefore, it is not an indicator of targeted policing practice within deprived communities. In addition, it should be remembered that the analysis presented in this report is based on tickets and not people (as some people may have received more than one ticket); so any differences between SIMD categories could be influenced by larger numbers of people in any one category being more likely to receive multiple tickets.

8.1 Distribution of FPNs by SIMD decile

Figure 12 shows the deprivation profile of all FPNs according to the SIMD decile in which the recipient was living at the time.⁶⁹ It shows a very skewed relationship, in which around one in four (27.0%) FPNs were issued to people living in one of the 10% most deprived areas of Scotland while one in twenty (5.2%) were issued to people living in one of the 10% least deprived areas. This represents a disparity rate of 4.8 between those living in the most and least deprived communities. However, it is notable that the skewed relationship between SIMD and FPN receipt is more evident at the deprived end of the SIMD distribution (between SIMD decile 1 and SIMD decile 5) but flattens out at the affluent end (between SIMD decile 6 and SIMD decile 10). In other words, there was greater inequality in the likelihood of receiving an FPN amongst those people living in communities in the deprived half of the SIMD spectrum than amongst those living in the affluent half.

⁶⁷ McVie, S. (2021) [Second Data Report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#).

⁶⁸ The SIMD is tool for identifying concentrations of deprivation across Scotland. Each of Scotland's 6,976 datazones (small areas of geography) are ranked from first (most deprived) to last (least deprived) based on 32 separate indicators that measure different aspects of deprivation (e.g. economic, health, education, employment, crime, etc). It is used for a wide range of purposes including as a statistical classification and as an indicator to target resources and policies. See www.simd.scot.

⁶⁹ Data for 629 FPNs (7.6%) were missing information on datazone.

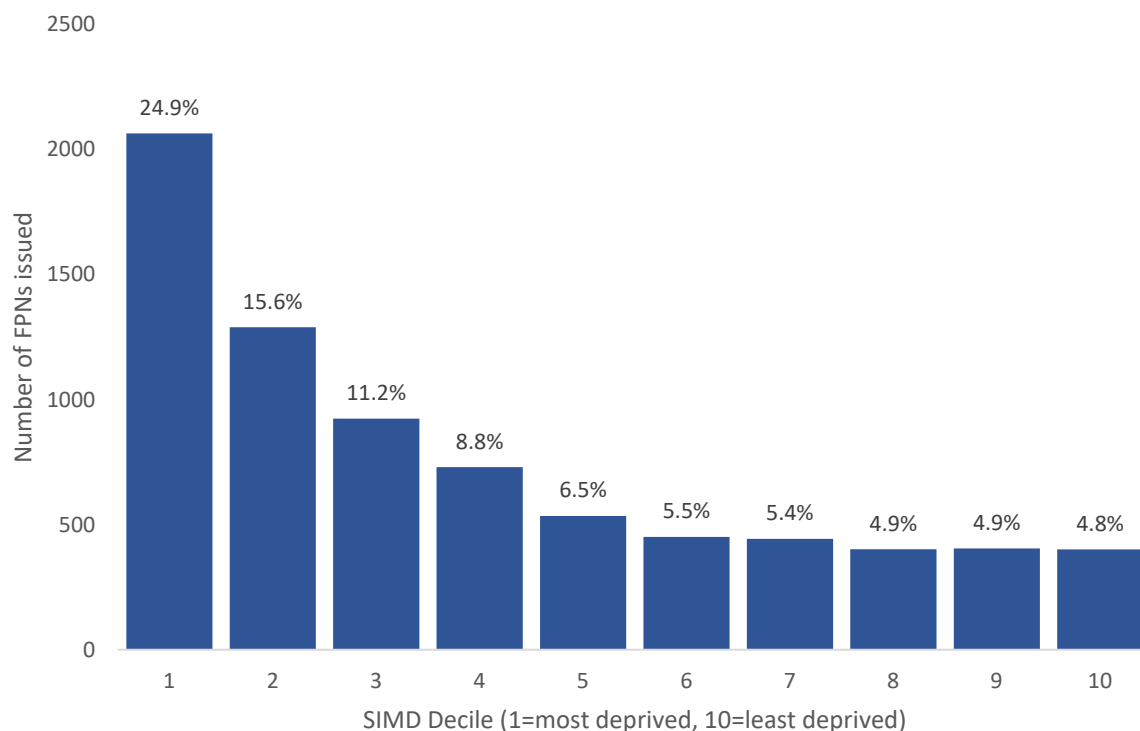


Figure 12: Profile of FPNs issued in Scotland by SIMD of recipients' home address, 27th March to 31st December 2020 (n=7,644)⁷⁰

8.2 Distribution of FPNs by SIMD decile across the three phases of the pandemic

The overall deprivation profile for all FPNs conceals distinct shifts over time. Looking across the three phases of the pandemic, Figure 13 shows how the proportion of FPNs issued to people living in different SIMD deciles changed. During the first phase, there was a very steep gradient with 32.8% of FPNs issued to people living in the 10% most deprived areas of Scotland and only 2.6% issued to people living in the 10% least deprived areas. This represents a disparity rate of 12.6, and demonstrates a high degree of inequality in the likelihood of receiving an FPN based on area of residence during the initial lockdown (although it is important to note that inequality in these data does not necessarily mean unfair or disproportionate policing).

During the second phase, the proportion of all FPNs issued to people living in the 10% most deprived areas fell to 17.8%, while the proportion issued to those living in the 10% least deprived areas increased to 14.2%. While the total number of FPNs issued during phase two was very low, this change at both the top and bottom ends of the SIMD spectrum represents a significant shift in the profile of those issued FPNs for breaching the Coronavirus Regulations. During phase two, the disparity between the top and the bottom reduced to 1.3, which indicated much greater equality in the likelihood of receiving an FPN for those living in the most and least deprived quintiles. However, it is important to note that the relationship between SIMD and deprivation was close to being U-shaped due to the substantial increase at the most affluent end of the spectrum.

This substantial increase in the issue of FPNs to those living in Scotland's most affluent communities during phase two is highly likely to be related to tickets issued as a result of parties organised and

⁷⁰ Figure excludes FPNs where home datazone was not known or was outside of Scotland.

attended by younger people, and particularly students. Indeed, more detailed analysis at datazone level revealed that the four most common home datazones amongst those receiving FPNs during phase two were affluent areas containing university halls of residence and other student accommodation in the cities of Edinburgh and Glasgow.

During phase three, the distribution of FPNs according to the recipient's home SIMD decile changed again, although it did not return to the high level of skew seen during phase one. Figure 13 shows that the SIMD profile of FPNs during phase three was less skewed towards the most deprived areas than during phase one, but it also had more of a gradient between the top and the bottom compared to phase two. The disparity between those living in the 10% most and 10% least deprived communities rose to 2.9, reflecting an increase in inequality but not approaching anything like the level seen in phase one. During this third phase, the percentage of FPNs issued to people who were living in the most deprived SIMD decile remained around the same as phase two, but there was a much flatter distribution at the more affluent end of the SIMD scale (from decile 5 to 10). Looking at the ten most common home datazones amongst those receiving FPNs during phase three, they were located in various parts of central Glasgow but most were located close to some kind of student accommodation.

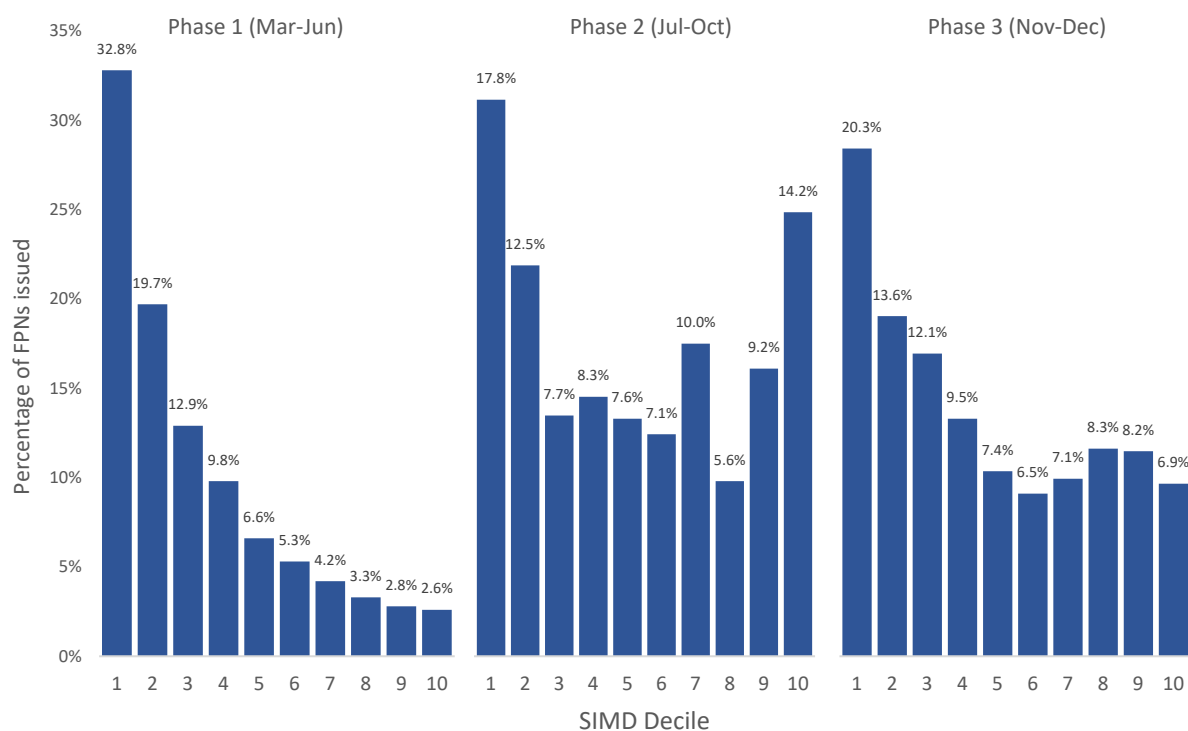


Figure 13: Profile of FPNs issued in Scotland by SIMD of home address across the three phases of lockdown, 27th March to 31st December 2020 (n=7,644)

8.3 Age profile of FPN recipients by SIMD quintile

To explore whether the change in the SIMD profile of FPN recipients may be related to the age of those receiving tickets, Figure 14 shows the distribution of FPNs issued to people in different age bands by SIMD quintile (with each quintile representing 20% of the population according to SIMD). It shows that more than 30% of FPNs were issued to people from the most deprived quintile, regardless of the age of the recipient. However, there is a clear gradient by age, with FPN recipients aged between 16 and 20 years being least likely (33.6%) to be living in the 20% most deprived communities in Scotland and those

aged between 41 and 50 years being most likely (57.9%). Conversely, people aged between 16 and 20 who were issued FPNs were far more likely (17.5%) to be living in one of the 20% least deprived Scottish communities than those who were older than them, especially those aged 26 or over for whom less than 7% in each age band were resident in the least deprived quintile.

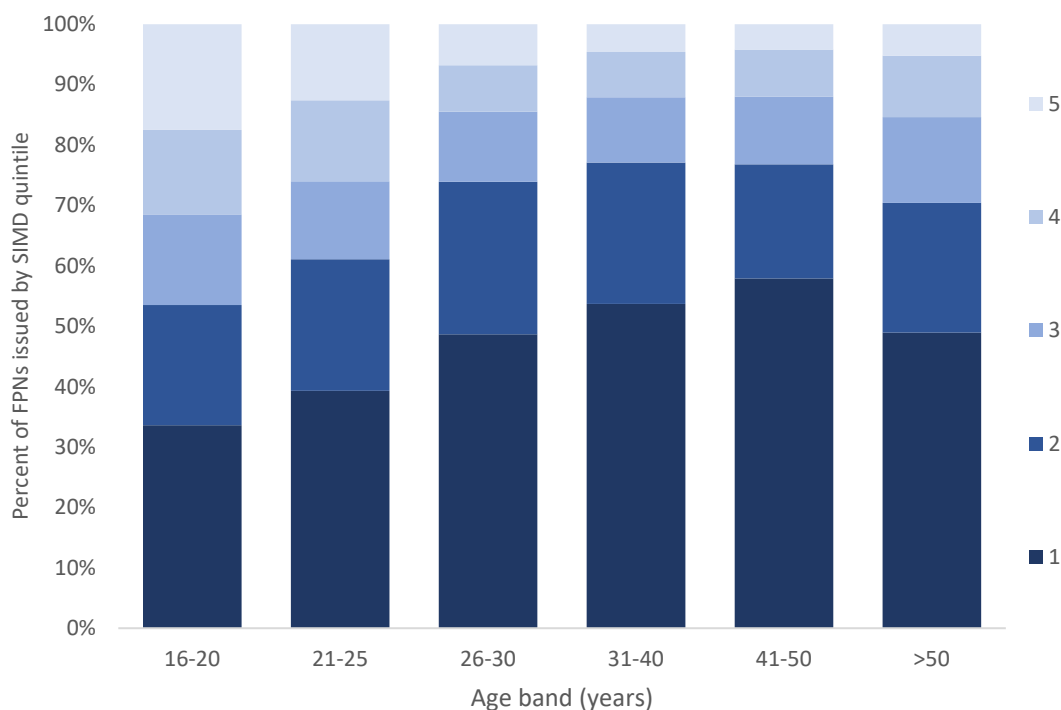


Figure 14: Age distribution of FPNs issued by SIMD quintile (1=most deprived, 5=least deprived), 27th March to 31st December 2020 (n=7,641)

8.4 Ethnic profile of FPN recipients by SIMD quintile

We examined the SIMD profile of FPN recipients from white and non-white to see if the pattern of deprivation varied by ethnicity. Figure 15 shows the proportion of FPNs issued to residents of different SIMD quintiles by whether the recipients were white or from BAME backgrounds. For both groups, a higher proportion of FPNs was issued to people living in the most deprived SIMD quintile. However, the proportion of FPNs issued to people living in the most deprived quintile was higher for white people (44.2%) than those from BAME backgrounds (38.3%). At the other end of the spectrum, FPN recipients from white backgrounds were less likely (10.2%) to be living in one of Scotland's most affluent SIMD quintiles compared to people from BAME groups (16.5%). As before, the analysis was based on tickets and not people, so we cannot be certain that there were significant differences in the SIMD profile of FPN recipients based on ethnic group.

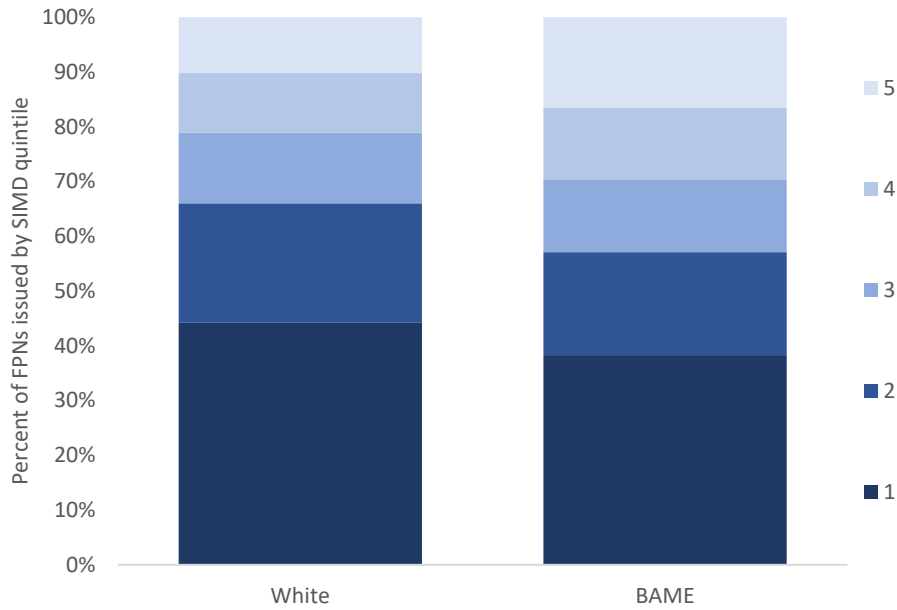


Figure 15: Percentage of FPNs issued to people by ethnic group by SIMD quintile (1=most deprived, 5=least deprived), 27th March to 31st December 2020 (n=7,542)

8.5 Sex profile of FPN recipients by SIMD quintile

Looking at the SIMD profile of FPN recipients by sex, Figure 16 shows remarkably little difference in the proportion of FPNs issued to males and females according to the SIMD quintile in which they were living. More than two fifths of all FPNs were issued to both men and women living in the most deprived areas of Scotland, while only around one in ten were issued to those living in an area in the least deprived quintile.

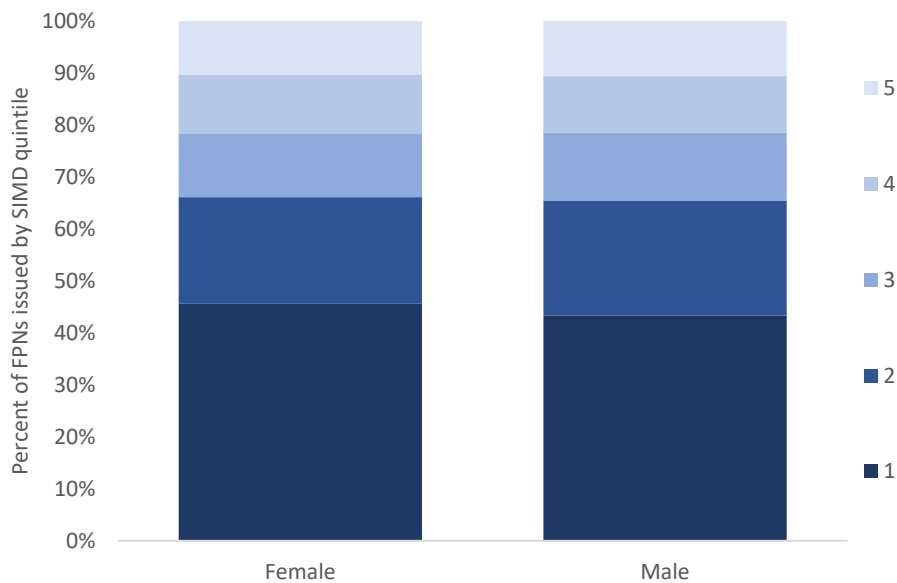


Figure 16: Percentage of FPNs issued to males and females by SIMD quintile (1=most deprived, 5=least deprived), 27th March to 31st December 2020 (n=7,628)

8.6 Country of birth profile of FPN recipients by SIMD quintile

Figure 17 shows the proportion of SIMDs issued to people from different countries of birth broken down by SIMD quintile. Again, FPN recipients were more likely to be resident in the most deprived quintile than any of the other quintiles regardless of where they were born. However, those born outside the EU were less likely (36.8%) than those born in the UK (44.4%) or wider EU (43.4%) to be living in one of the 20% most deprived communities of Scotland. Moreover, those born outside the EU were more likely (18.5%) to be living in one of the most affluent communities in the top quintile compared to those who were born in the UK (10.2%) or wider EU (12.9%). Again, we cannot say whether these differences are larger than those we may expect to see by chance given that the analysis is based on tickets issued, and not individuals.

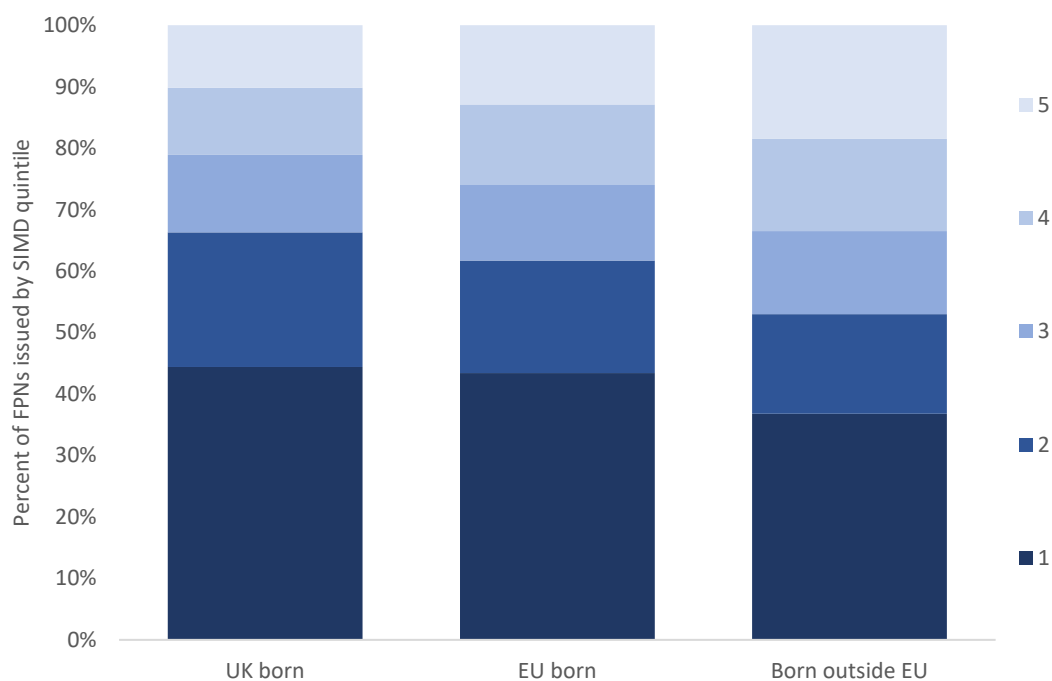


Figure 17: Percentage of FPNs issued to those from different countries or birth by SIMD quintile (1=most deprived, 5=least deprived), 27th March to 31st December 2020 (n=7,197)

8.7 Criminal history profile of FPN recipients by SIMD quintile

Finally, the proportion of FPNs issued to residents in different SIMD quintiles was broken down by whether a person was known on Police Scotland's Criminal History System. Figure 18 shows that FPN recipients with a criminal history were more likely to be living in a community in one of the most deprived SIMD quintiles (46.8%) compared to those with no prior history (38.9%). In addition, those known to the police were far less likely (8.5%) to be living in communities in the least deprived quintile (14.0%). Again, however, since this analysis was based on tickets and not people we cannot say whether differences between people in these two groups were statistically significant.

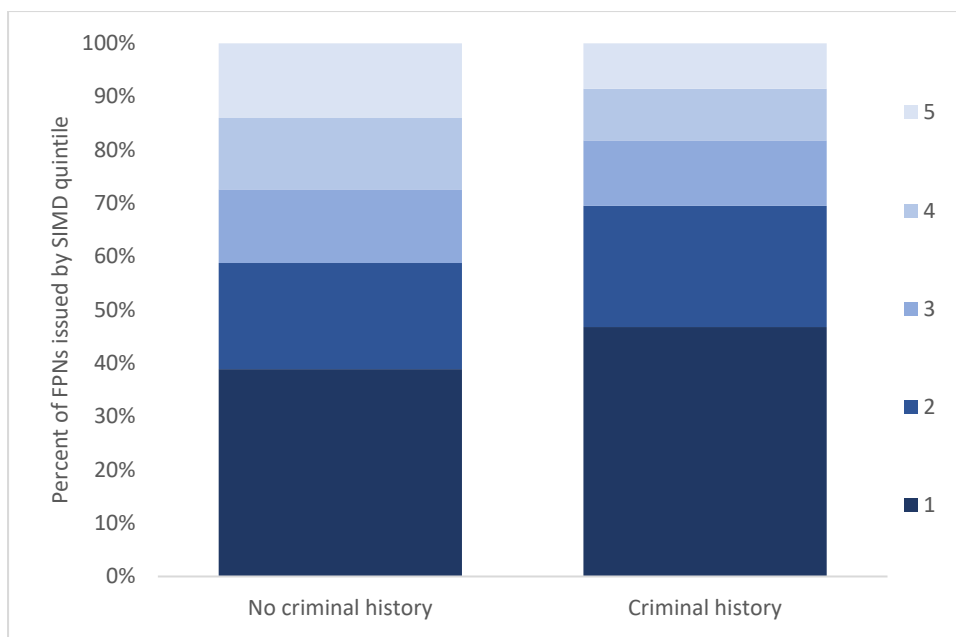


Figure 18: Percentage of FPNs issued to those with or without a criminal history by SIMD quintile (1=most deprived, 5=least deprived), 27th March to 31st December 2020 (n=7,644)

9 Geographical profile of Fixed Penalty Notices

9.1 Number and rate of FPNs by police division

Analysis of data for the first lockdown in Scotland found that seven out of ten FPNs were issued in the West of Scotland, with Greater Glasgow division accounting for by far the largest number of tickets, and Argyll & West Dunbartonshire having by far the highest rate per capita.⁷¹ Both the number and rate of FPNs issued in the North and East of Scotland were far smaller than in the West. This analysis was updated to the end of December 2020 to determine whether the geographical profile of FPNs changed over time.

Figure 19 shows the number (left hand panel) and rate per 10,000 people aged 18 or over living in each division (right hand panel) of FPNs issued in each of the thirteen police divisions across Scotland. Again, Greater Glasgow issued the largest number of FPNs (around three times greater than the next nearest division, Lanarkshire). Argyll & West Dunbartonshire had the highest rate of FPNs per 10,000 people aged 18 or over; however, the gap in rates between divisions has closed since the previous report. The rate of FPNs issued in Argyll & West Dunbartonshire was only slightly greater than that for Greater Glasgow and Renfrewshire and Inverclyde divisions. Divisions in the North of Scotland (North East, Highlands & Islands, and Tayside) issued the fewest FPNs (only 7.1% of the total) and had very low rates per capita. Whereas, those in the West of Scotland (Greater Glasgow, Lanarkshire, Renfrewshire & Inverclyde, Argyll & West Dunbartonshire, Ayrshire, and Dumfries & Galloway) collectively issued the most FPNs (71.6% of the total) and had the highest rates per capita, with the exception of Dumfries & Galloway which was amongst the lowest. The number and rate of FPNs issued in three of the four divisions in the East of Scotland (Lothians & Scottish Borders, Fife, and Forth Valley) was lower than

⁷¹ See section 8 of McVie, S. (2020) [Data report on police use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#). Report to the SPA Authority Meeting on 19th August 2020.

those in the West; however, Edinburgh was ranked fourth in terms of both the number and rate of tickets issued.

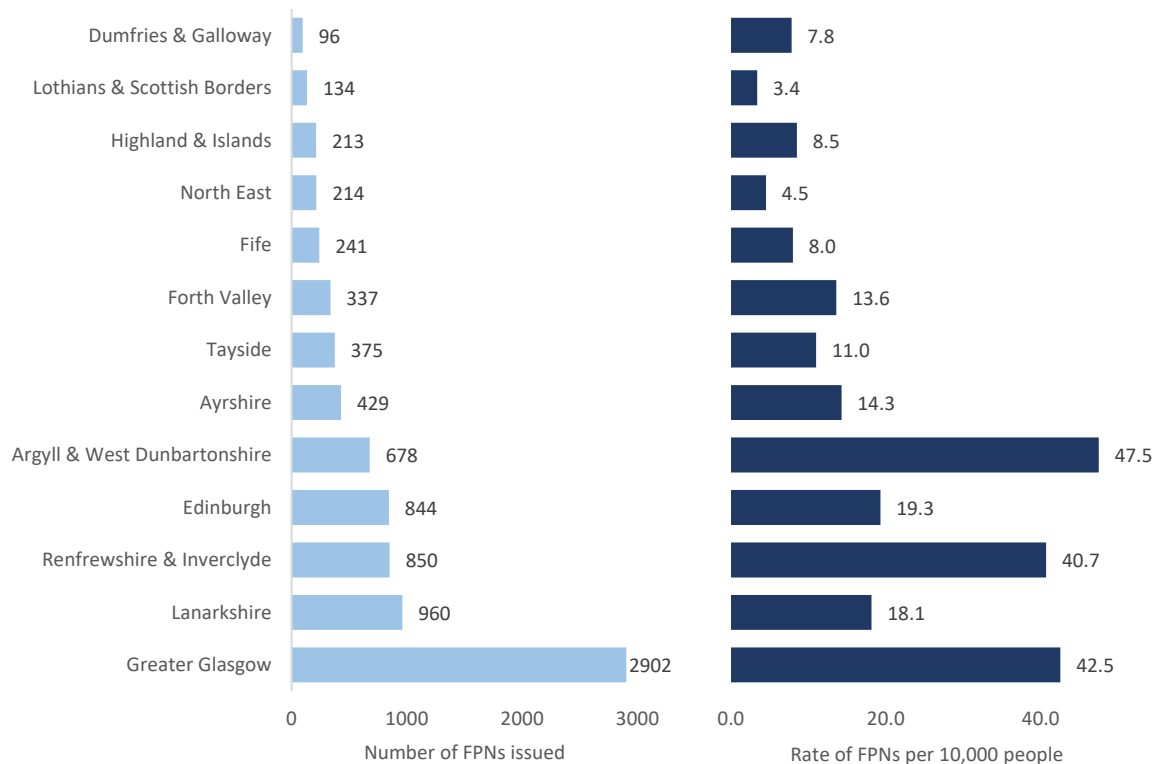


Figure 19: Number of FPNs issued and rate per 10,000 population aged 18+ by division, 27th March 2020 to 31st December 2020 (n=8,273)

Generally speaking, the ranking of divisions based on rates per capita in Figure 19 follows a similar pattern to that of the numbers issued. If the level of enforcement was directly proportionate to population size, the per capita rate would be the same across all divisions; however, there are three high ‘outliers’: Argyll & West Dunbartonshire, Greater Glasgow, and Renfrewshire & Inverclyde. In these three divisions (ranked one to three respectively) the rate of FPNs issued was around double that in Edinburgh, which was ranked fourth. Argyll & West Dunbartonshire, and Renfrewshire & Inverclyde particularly stand out because their ranking based on rate of FPNs is higher than that based on the number of FPNs issued.

9.2 Proportion of FPNs to non-residents by division

When interpreting the rate of FPNs in each division, it is important to take account of differences in the number of FPNs issued to non-residents (i.e. people travelling into the area from elsewhere in Scotland or another country). Analysis conducted on FPN data for England and Wales found that disparities in the rates of FPNs issued across police force areas during the initial lockdown period were substantially influenced by people travelling into the area to visit tourist attractions and areas of scenic beauty.⁷² Similar analysis for the first lockdown period in Scotland also showed that rates of enforcement in some

⁷² Currenti, R. and Flatley, J. (2020) [Policing the Pandemic: Detailed analysis on police enforcement of the Public Health Regulations and an assessment on disproportionality across ethnic groups.](#)

divisional areas (especially Argyll & West Dunbartonshire) were inflated by people travelling into these areas while tight restrictions were in place.⁷³

Looking at all FPNs issued between 27th March and 31st December 2020, 16.4% were issued to people who were not resident in the division in which the regulatory breach occurred. As before, this varied substantially across divisions. Using the same ordering as Figure 19, Figure 20 shows the percentage of all FPNs that were issued to people who were not resident within the division in which the incident occurred (left hand panel) and the adjusted rate of FPNs taking account only of those who were resident in the division (right hand panel). The purpose of this analysis was to determine whether divisions had a similar rate of enforcement when taking into consideration only the resident population. Figure 20 shows that a third of all FPNs issued in Argyll & West Dunbartonshire involved people who were non-residents, making it highest across all divisions. When these tickets were excluded from the analysis, the rate of FPNs issued in Argyll and West Dunbartonshire reduced from 47.5 per 10,000 people (as shown in Figure 19) to 31.4 per 10,000 residents. This is a substantial reduction; however, FPNs issued to non-residents did not fully explain the higher overall rate per capita, which as the right hand panel in Figure 20 shows, remained high compared to most other divisions.

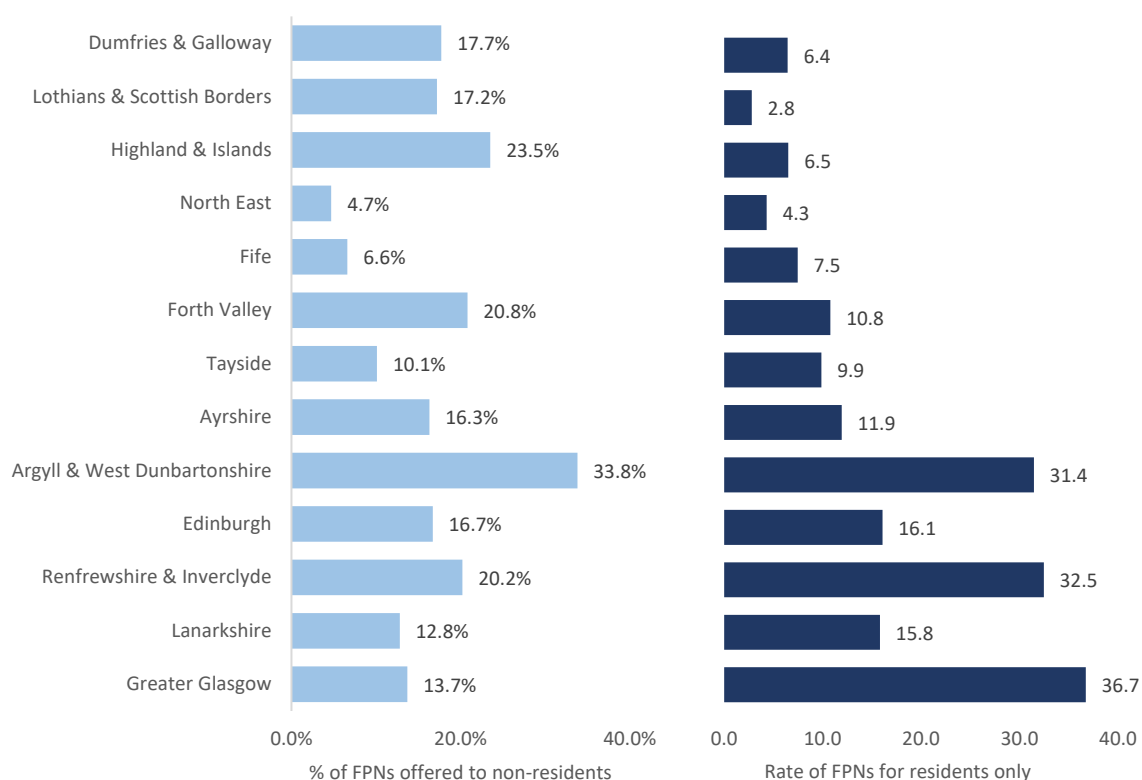


Figure 20: Percentage of FPNs issued to non-residents (left panel) and rate of FPNs per 10,000 residents (right panel) by division, 27th March to 31st December 2020 (n=6,917)

A similar pattern emerged for Renfrewshire & Inverclyde where a fifth of FPNs were issued to people living outside the divisional boundary. Once these were excluded, the rate of FPNs reduced from 40.7 per 10,000 people to 32.5 per 10,000 residents. Again, this is a substantial reduction, but Figure 20

⁷³ See section 8.2 of McVie, S. (2020) [Data report on police use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#). Report to the SPA Authority Meeting on 19th August 2020.

shows that the rate of FPNs issued in Renfrewshire & Inverclyde continued to be ranked second highest across the divisions. The proportion of FPNs issued to non-residents was lower still in Greater Glasgow, at only 13.7%. While excluding these individuals did reduce the rate of FPNs in Greater Glasgow, it still had the highest rate per 10,000 residents.

Overall, taking account of the non-resident population did not alter the ranking of divisions to any great extent. So, while people breaching the Regulations by travelling across boundaries had some impact on policing – especially in specific areas – this does not fully explain the geographical differences in rates of policing activity across Scotland.

9.3 Proportion of FPNs to non-residents by division over the three phases

The proportion of FPNs issued to non-residents within divisions changed substantially over time. This was almost certainly influenced by the changes in restrictions over time and the increasing degree of variation in rules as the Coronavirus spread across different parts of Scotland. Figure 21 shows the percentage of all FPNs issued to non-residents by division across the three phases of the pandemic (note that this analysis focuses on where people were travelling to, and not where they had travelled from). The first panel reveals substantial differences between divisions in the proportion of all FPNs that were issued to non-residents during phase one, when the same restrictions on movement were in place across the whole country. During this phase, we can see that the largest percentage of FPNs issued to non-residents occurred in Argyll & West Dunbartonshire, followed by Forth Valley and Highland & Islands. These are all divisions with significant areas of natural beauty and popular tourist destinations. It was commonly reported during the first phase of the pandemic that people (especially those living in urban areas) flouted the Regulations by travelling outside their local area to take walks or exercise in these types of rural locations.⁷⁴

In the second phase of the pandemic, the overall number of FPNs issued was much smaller, as restrictions were eased for much of this time. However, some travel restrictions were still in place, especially for those living in the central belt of Scotland who were subject to the tightest controls during October. The second panel in Figure 21 shows that there was still some variation in the percentage of all fines issued to non-residents across divisions; however, the differences are far smaller than during phase one. The figures suggest that divisions covering rural parts of Scotland with large areas of natural beauty continued to face particular challenges in terms of people flouting the Regulations by travelling to destinations beyond their local area; although, there was some change in the divisions with the highest proportions. In this second phase, the highest proportion of FPNs issued to non-residents occurred in Dumfries & Galloway, the Lothians & Scottish Borders, and Argyll & West Dunbartonshire.

Moving on to the third phase of the pandemic, for most divisions the percentage of non-residents issued FPNs was around the same or lower than in the second phase. The division that stands out in the third panel of Figure 21 is the Highland & Islands, where the proportion of FPNs issued to non-residents doubled (although it is important to view this in the context of very small numbers, as shown in Figure 19). The percentage of FPNs issued to non-residents in Renfrewshire & Inverclyde also increased substantially in phase three compared to phase two, while the proportions in Argyll & West Dunbartonshire, and the Lothians & Scottish Borders remained about the same as phase two, but were higher than average compared to other divisions.

⁷⁴ See, for example, newspaper headlines in the Glasgow Times: <https://www.glasgowtimes.co.uk/news/18502875.fury-day-trippers-continue-flouting-lockdown-rules-beauty-spot-trips/>; the Daily Record: <https://www.dailyrecord.co.uk/news/scottish-news/roads-closed-scots-beauty-spots-22148442>; and the Scotsman: <https://www.scotsman.com/whats-on/arts-and-entertainment/tourism-chief-blasts-terrible-behaviour-scots-who-flouted-lockdown-rules-beauty-spots-2874019>.

Overall, Figure 21 indicates that police officers working in more remote and rural areas of natural beauty and scenic tourist destinations may have faced the biggest challenges in terms of people breaching travel restrictions, as they were most likely to issue FPNs to individuals from outwith their divisional areas in all three phases of the pandemic. However, the impact of illegal travel in different divisions does appear to have varied over time.

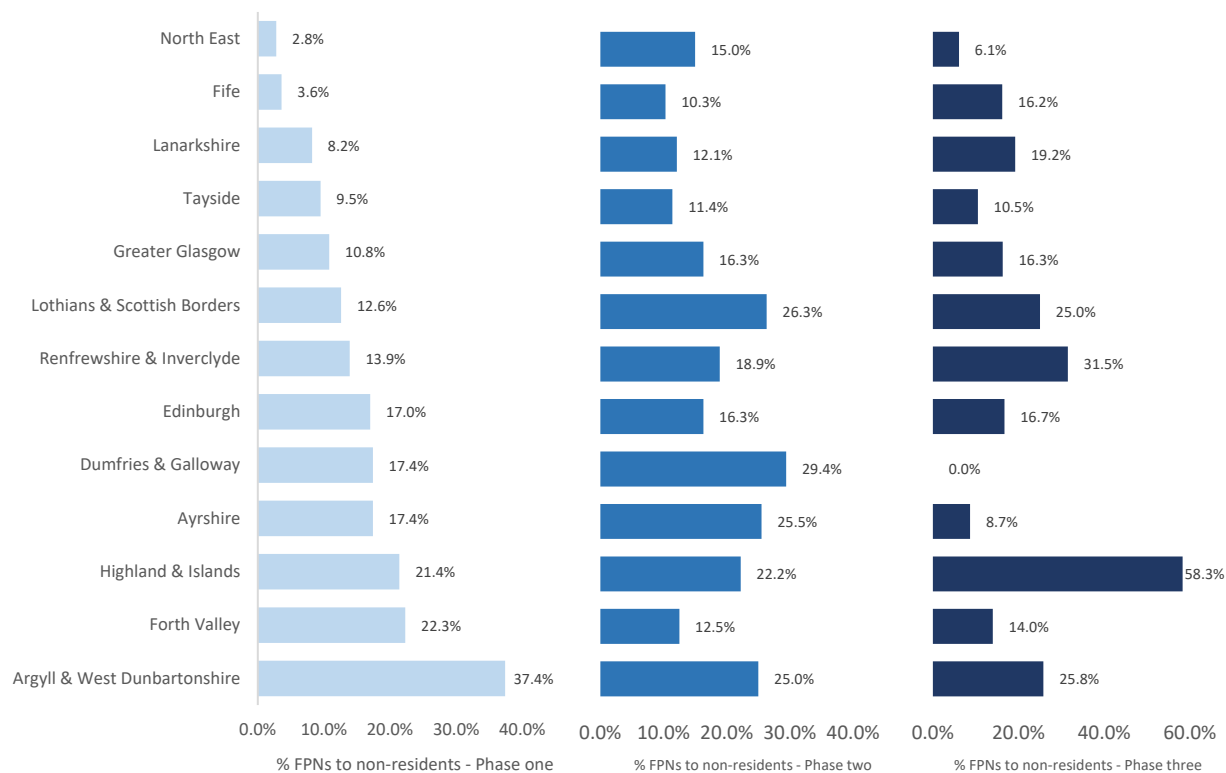


Figure 21: Percentage of FPNs issued to non-residents by division across the three phases of lockdown, 27th March to 31st December 2020 (n=8,273)

9.4 Rate of FPNs in each division across the three phases

Looking at the rates of enforcement for each of the three phases of lockdown separately tells an important story about how policing changed under different periods of restriction. Figure 22 shows that phase one saw the highest rate of FPNs overall, albeit with considerable variation across divisions, which ranged from a rate of 2.2 per 10,000 people aged 18 or over in the Lothians & Scottish Borders to a rate of 33.0 for Argyll & West Dunbartonshire. This reflects a disparity rate between the top and bottom divisions of 15.0. As noted in section 9.1, the three divisions with the highest rate of FPNs per capita were all in the West of Scotland, and their rates were around twice as high or more compared to the other divisions.

During the second phase of the pandemic, the rate of FPNs fell sharply across all divisions and the rate of disparity between the top and bottom division fell to 12.8. The most notable decline in the rate of FPNs occurred amongst the three divisions that had the highest rates during phase one, namely Greater Glasgow, Renfrewshire & Inverclyde, and Argyll & West Dunbartonshire. While rates during the period were exceptionally low for all divisions, it is notable that the rate for Edinburgh fell the least and, as a consequence, was highest during the second phase (at 5.1 per 10,000 people aged 18 or over). This fits with the views expressed by police officers during HMICS interviews of significant problems around

student accommodation and a lack of concern amongst young people about being issued FPNs for breaching the Regulations.⁷⁵

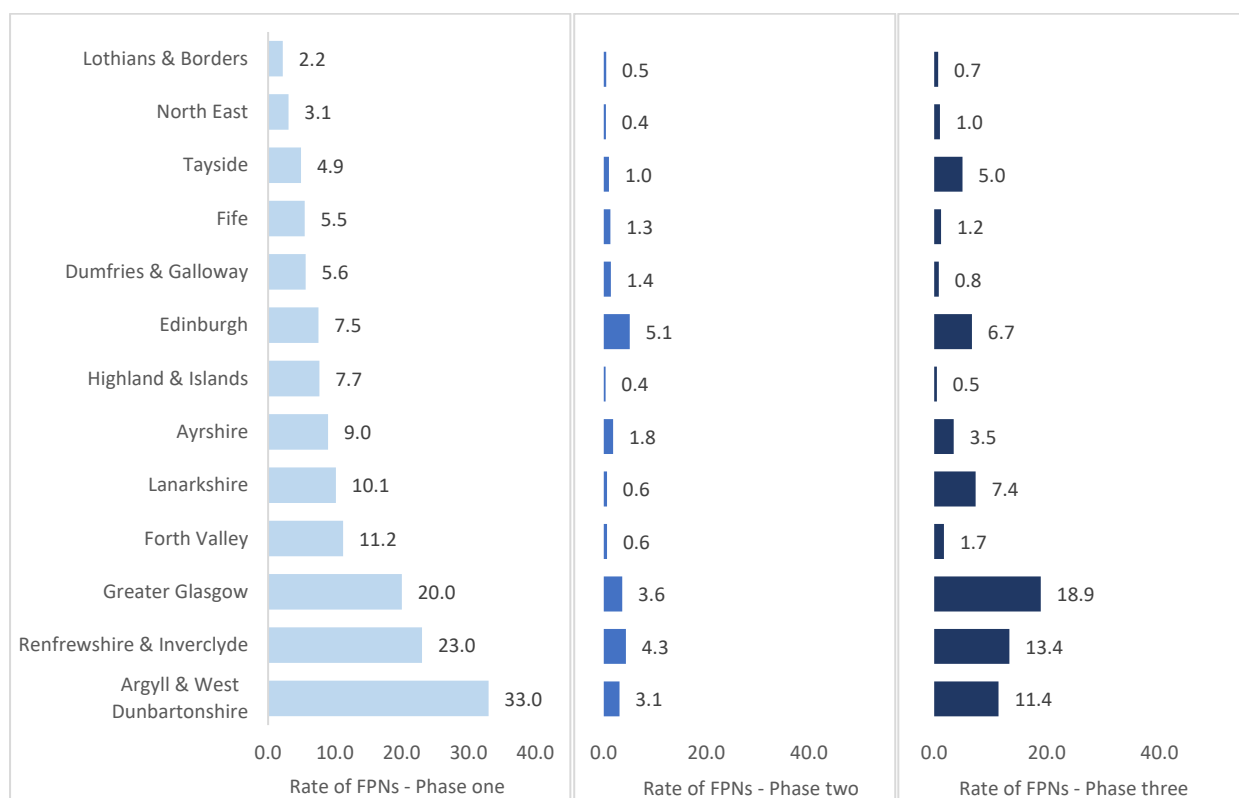


Figure 21: Rate of FPNs issued by division across the three phases of lockdown, 27th March to 31st December 2020 (n=8,273)

Rates of FPN increased on average during phase three of the pandemic, although they did not return to the levels seen during phase one (although bear in mind that the first phase spans three months and the third phase spans two months). Moreover, rates did not increase across the board and this phase reflects the widest divergence between divisions. Most divisions (especially those with the highest rates in phase one) did show an increase in rates of FPN between phases two and three; however, some remained broadly the same (such as Highland & Islands, Fife, and Lothian & the Scottish Borders), and rates in Dumfries & Galloway actually declined. As a result of the changes, the rates during phase three were lowest in Highland & Islands, at just 0.5 tickets for every 10,000 people aged 18 or over, and highest in Greater Glasgow at 18.9 per 10,000. This reflects a disparity rate of 37.8. It is highly likely that this large disparity between divisions with low and high rates during phase three was at least partly due to the introduction of the new levels system in November 2020, which placed different levels of restriction in different parts of Scotland.

Despite continuing problems with large gatherings and student parties encountered, the rate of FPNs in Edinburgh increased only marginally between phases two and three. Edinburgh also moved down in the rankings between phases two and three, from first to fifth. The largest increases in rates during phase three were in divisions with the highest overall rates during phase one: Argyll & West Dunbartonshire, Renfrewshire & Inverclyde, and Greater Glasgow, the latter returning to almost the same rate as phase

⁷⁵ See Para 32 of HMICS (2021) [Independent Advisory Group Report on interviews with Police Scotland Officers and Staff – Phase II.](#)

one. The higher rate of FPNs within these three divisions - especially Greater Glasgow - during November and December 2020 is likely to reflect the higher levels of restriction placed on these local authority areas as a result of the rising spread of the Coronavirus. Local restrictions on indoor visits were introduced in September 2020 for individuals living in Glasgow, West Dunbartonshire, and East Renfrewshire, which remained in place for several months. In addition, Scotland’s new system of levels, which came into operation in November 2020, placed eleven local authorities – nine of which were in the West of Scotland, including Glasgow - initially into level three, and then level four, with severely tightened restrictions on travel, businesses, hospitality, and gatherings. Police Scotland bulletins⁷⁶ throughout November and December record continuing issues across divisions in the West of Scotland with large student parties, but also new problems, including large gatherings organised in Air BnB properties and other non-residences in an effort to circumvent the Regulations, as well as instances of people travelling into Glasgow from lower tier areas.

9.5 Proportion of FPNs in each division across the three phases

To get a clearer picture of the changing nature of policing activity across the three phases, Figure 23 shows the variation across divisions in the proportion of FPNs issued during each of the three phases of the pandemic. Note that this is a comparison of the *relative* use of FPNs (Figure 19 demonstrated significant variation in the *absolute number* of FPNs issued). At the top end of Figure 23, we can see that nine out of ten FPNs in Highlands and Islands division were issued during the first lockdown phase, with only around one in ten of all FPNs issued in phases two or three. On the other hand, at the bottom end of Figure 23, only four out of ten FPNs in Edinburgh were issued during the first phase, around a quarter in phase two (the largest proportion of any division) and around a third in phase three.

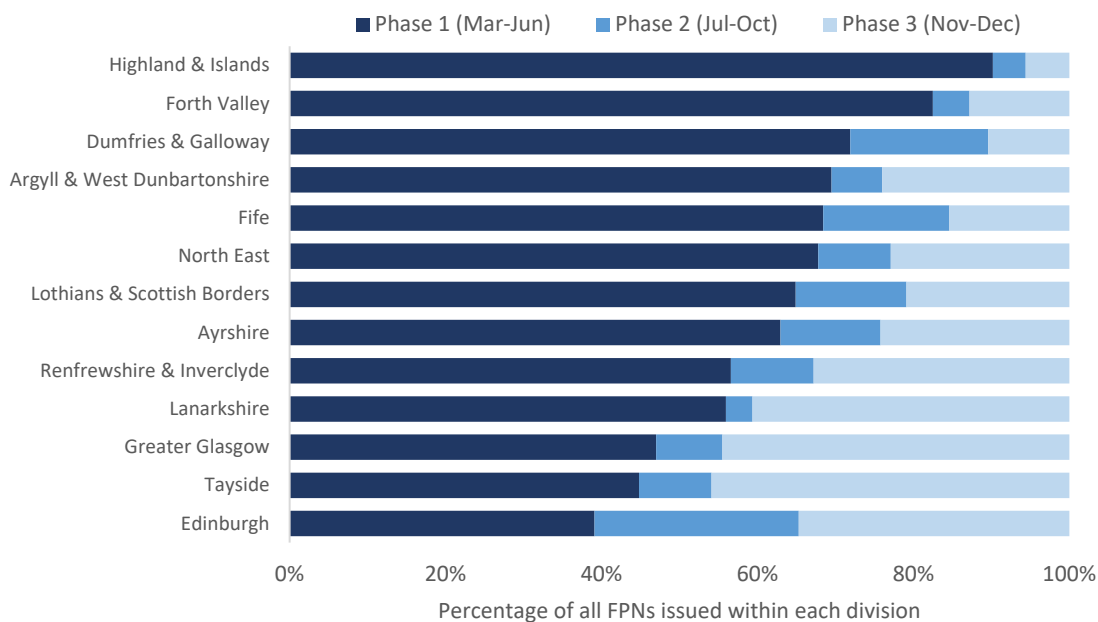


Figure 23: Proportion of FPNs issued during the three phases of the pandemic by division, 27th March to 31st December 2020 (n=8,273)

⁷⁶ Police Scotland Covid-19 Bulletins and Briefings were published on the Scottish Police Authority website throughout the pandemic: <https://www.spa.police.uk/strategy-performance/oversight-of-policing-covid-19/>.

There is a distinct urban/rural pattern to the data presented in Figure 23. The divisions that issued the greatest proportion of all FPNs during phase one were largely those that covered more rural parts of Scotland and/or included beauty spots and tourist destinations (which were the focus of the bulk of enforcement activities during the initial lockdown when people’s ability to travel outside of their local area was severely restricted by the Regulations). By contrast, those divisions that issued a larger proportion of FPNs during phase three mainly include urban conurbations with large populations, including sizable numbers of students. It was noted earlier that indoor parties and gatherings became an increasing issue of concern in terms of the spread of the disease during phases two and three, and thus became a primary focus of police enforcement. Figure 23 indicates that this was particularly the case in the divisions including three of Scotland’s four largest cities, namely Glasgow, Edinburgh and Dundee; although, this did not seem to be case for Aberdeen (in the North East division).

10 Locus and timing of Fixed Penalty Notices

10.1 Locus of FPNs

Analysis of data from the first lockdown period showed that seven in ten of all FPNs issued were as a result of breaches of the Regulations in public places (e.g. lack of social distancing in public areas and parks or unnecessary travel to scenic and rural locations); with just three in ten FPNs issued as a result of breaches in private places or indoor locations (e.g. social gatherings of multiple households or house parties).⁷⁷ Over the course of the pandemic, however, the Regulations changed significantly to focus on restricting social contact between households and, consequently, the nature of police enforcement adapted to address this.

Looking at the overall picture from 27th March to 31st December 2020, Table 5 shows the number and percentage of FPNs issued by locus type. Note that for over a fifth of FPNs (n=1,844) the locus of the incident was not recorded on the ticket, so the analysis presented in this section may be subject to some error. Based on the available data, more than six out of ten FPNs (61.7%) involved incidents occurring indoors or in a private place (e.g. someone’s home, a pub or a restaurant) while just under four in 10 (38.3%) were issued as a result of some breach of the Regulations in a public place (e.g. a park, beach or someone’s garden). This is a substantial change from the trends found in the previous analysis of the first lockdown phase, discussed above.

Table 5: Number of FPNs by locus type, 27th March to 31st December 2020

Locus type	Number of FPNs	% of all FPNs	% FPNs where locus recorded
Indoors/private place	3,965	47.9%	61.7%
Outdoors/public space	2,464	29.8%	38.3%
Not recorded	1,844	22.3%	-
<i>Total</i>	<i>8,273</i>	<i>100%</i>	<i>100%</i>

Note: Percentages may not sum to 100 due to rounding

⁷⁷ See section 7 of McVie, S. (2020) [Data report on police use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#). Report to the SPA Authority Meeting on 19th August 2020.

Comparison with the previous results for the initial lockdown period indicates that the pattern of FPNs changed substantially over the course of the pandemic. To look at this in more detail, Figure 24 shows the proportion of FPNs issued within each phase that involved an indoor or outdoor locus, but also taking account of the cases for which information was missing. As discussed above, during the first phase of the pandemic the majority of all FPNs issued (where locus was known) involved activities that occurred out of doors (e.g. beauty spots, beaches or parks). However, by phases two and three the vast majority of incidents (where locus was known) involved indoor gatherings. This shift in locus largely reflects the changing emphasis of Regulations and guidance that shifted away from messaging around ‘stay at home’ during the first phase towards ‘no social gatherings’ during phases two and three. However, it likely also reflects higher levels of reporting to the police of house parties or domestic gatherings by members of the public. Regardless of the specific reasons for the change, it represents a very different dynamic in terms of engagement between the public in the police between the first lockdown and later phases of the pandemic.

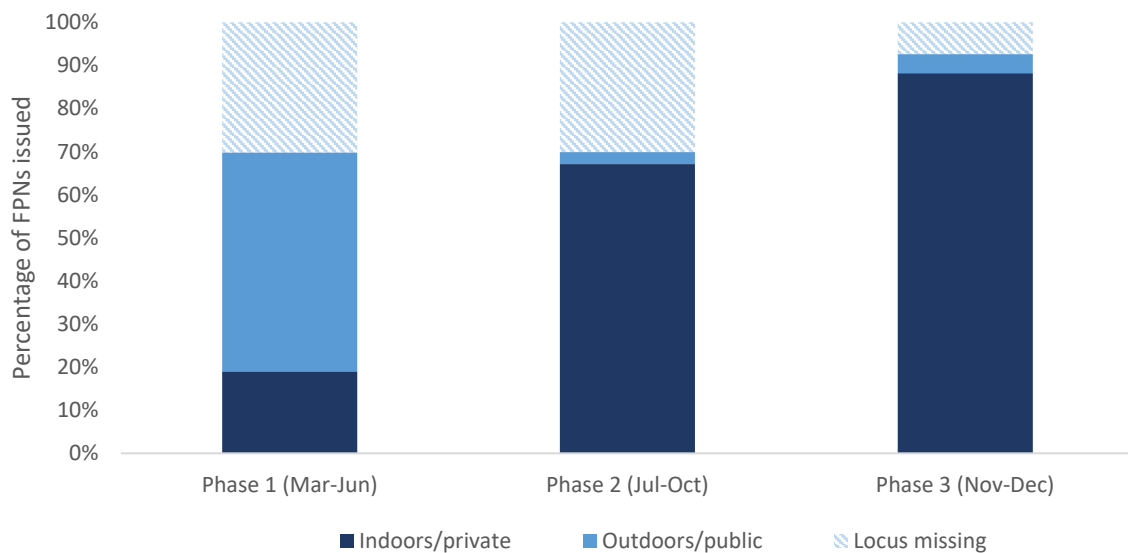


Figure 24: Percentage of FPNs issued in different types of locus by phase of the pandemic, 27th March to 31st December 2020 (n=8,273)

10.2 Timing of FPNs by locus

Previous analysis for the first phase of lockdown showed substantial fluctuation in when FPNs were issued throughout the day.⁷⁸ Between March and May 2020, activity was highest during the late afternoon and evening/early morning, and lowest during the morning and early afternoon. This was true for both indoor and outdoor incidents, although incidents in public places tended to peak around 4pm compared to a peak at around midnight for indoor incidents. As there were far fewer indoor incidents, the bulk of Coronavirus-related enforcement tended to occur during daytime hours.

As shown in Figure 24, the locus at which FPNs were issued changed dramatically between the first lockdown phase and the subsequent two phases. As a result, the temporal profile of FPNs issued between March and December 2020 also shifted, with a much greater emphasis on activity during the

⁷⁸ See section 7 of McVie, S. (2020) [Data report on police use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland](#). Report to the SPA Authority Meeting on 19th August 2020.

late evening and early morning hours. Figure 25 shows that the total number of FPNs issued over this nine month-period was predominantly accounted for by indoor gatherings or parties that occurred between around 10pm and 3am. The number of FPNs issued in relation to outdoor occurrences was much smaller and the trend continues to show some problems in the early morning hours, but most activity during the late afternoon and early evening.

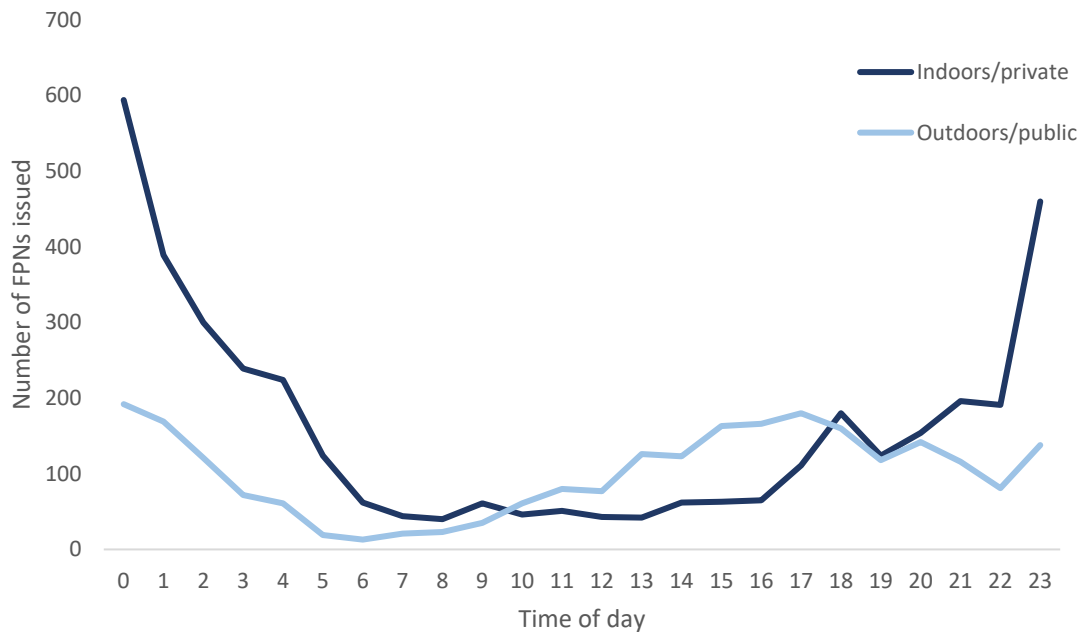


Figure 25: Number of FPNs issued by locus and time of day, 27th March to 31st December 2020 (n=6,328)

Looking in more detail at the temporal pattern of FPNs over time, Figure 26 shows the number of FPNs issued at different times of day across each of the three phases of the pandemic. There is a clear shift from phase one, where the bulk of incidents involved outdoor encounters and occurred in the afternoon and early evening (peaking at around 4-5pm), to phases two and three, where a far higher proportion of FPNs issued involved indoor gatherings in the late evening or early hours of the morning. In other words, this changing temporal pattern of enforcement indicates a shift away from daytime policing of open spaces towards a ‘night time economy’ pattern of policing focused on private places, which would have impacted significantly on shift patterns and operational planning.

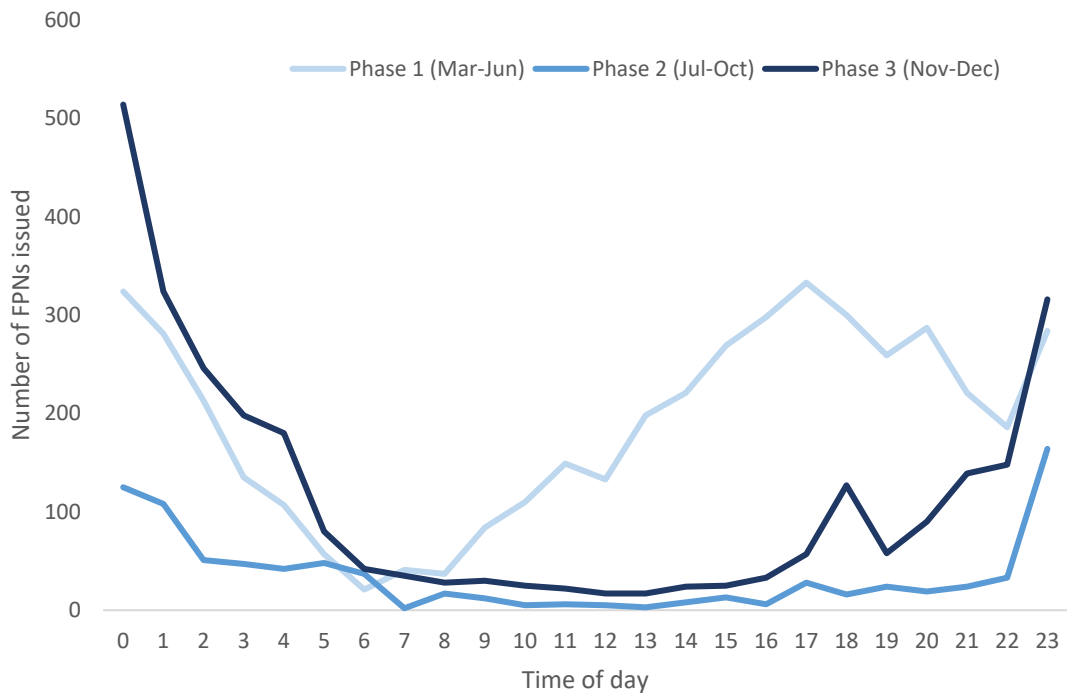


Figure 26: Number of FPNs issued by phase of lockdown and time of day, 27th March to 31st December 2020 (n=8.172)

10.3 Locus of FPNs by division

As might be expected, there were also geographical differences in the locus of incidents. Figure 27 shows the percentage of all FPNs that involved incidents occurring indoors versus outdoors for each division. Note that the missing data is excluded for this analysis as it varied substantially by division and makes comparison difficult, although it does mean that the patterns in Figure 27 may not give a completely accurate picture.

Highland & Islands division had the greatest proportion (73.8%) of incidents that involved an encounter in an outdoor location or public space. It is followed by Forth Valley (66.9%), Dumfries & Galloway (59.6%), and Argyll & West Dunbartonshire (50.1%). This is consistent with the data presented earlier, in Figure 21, as the divisions that issued the largest proportion of all FPNs to non-residents. At the other end of the spectrum, the divisions with the largest proportion of FPNs issued due to indoor gatherings or activities in private spaces were Edinburgh (73.8%), Greater Glasgow (67.4%), and Lanarkshire (65.7%). These were three of the four divisions that issued the largest relative proportion of all FPNs during the second or third phase of the lockdown (shown in Figure 23). Again, these data provide evidence that the pandemic impacted on policing in different ways and in different parts of the country at different stages of the lockdown, which highlights the major challenges for Police Scotland over this nine month period. It also demonstrates the importance of having a local, rather than a national, policing approach during the course of the pandemic.

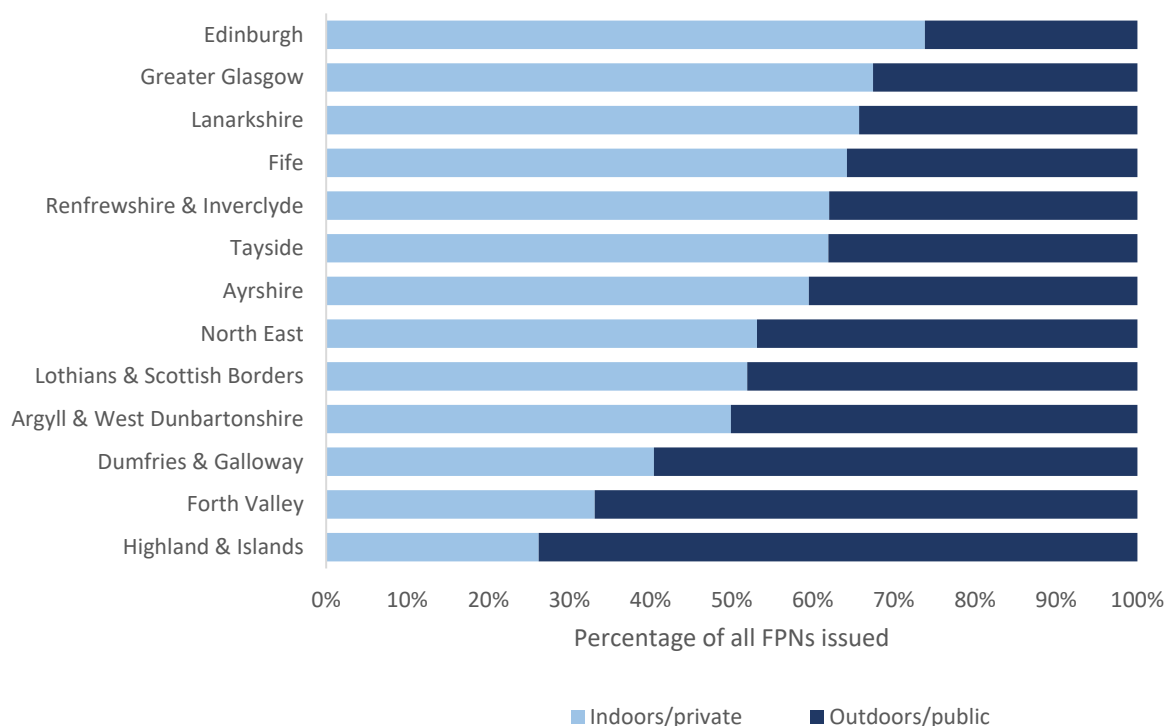


Figure 27: Percentage of FPNs issued in different types of locus by division, 27th March to 31st December 2020 (n=6,429)

11 Conclusion

The contents of this report have provided a detailed analysis of available data about the FPNs issued by Police Scotland between 27th March 2020 and 31st December 2020, taking account of the size of the financial penalties issued, the characteristics of those who were fined, the geographical area in which incidents occurred, and the timing and locus of events. It has also provided analysis of change over time in the profile of FPNs and offered some reflections on potential explanations for these changes, specifically with reference to changes in the Regulations under which Police Scotland were operating and wider societal factors that may have impacted on patterns of enforcement.

The report benefited from having access to data from two data sources compiled by Police Scotland: a database of all the FPN tickets issued in Scotland; and information from the Coronavirus Intervention (CVI) system introduced to monitor interactions with members of the public during the course of the pandemic. While the CVI system did not provide an accurate measurement of all policing activity, comparison to the FPN database shows that it did provide a good account of the changing trends over time. No equivalent database was established by other UK police forces during the pandemic. As a result, the CVI system represents good planning on the part of Police Scotland and a sound investment in terms of monitoring the impact of the pandemic of policing activity.

Over the course of the time period covered by this report, there were many amendments to the Regulations and guidelines that were introduced with the intention of curbing the spread of the Coronavirus and saving lives across the UK. Each of these amendments had substantial implications for the public, in terms of placing difficult restrictions on people’s freedom of movement and association. However, they also impacted significantly on policing and placed increasingly complex demands on police officers to enforce the law while at the same time maintaining a degree of discretion in handling

situations that arose in the context of potential breaches of the Regulations. From the start of the pandemic, the Chief Constable of Scotland emphasised his commitment to ‘policing by consent’ during the course of the pandemic and issued officers with guidance about following the Four Es approach (i.e. Engage, Explain, Encourage and, only when necessary, Enforce). The data show that the vast majority of all encounters recorded by officers did involve engagement, explanation and encouragement, and that less than one in twelve interventions involved the use of enforcement. Moreover, the vast majority of all enforcement involved use of a financial penalty which avoided a criminal conviction. There is clear evidence, therefore, that the Four Es model was successfully applied in Scotland.

Of course, the role of the police was contingent on the actions of the public in terms of complying with the Regulations and guidelines (which were often competing or conflicting, difficult to follow and rapidly changing). For the most part, evidence suggests that the vast majority of the public complied with the Regulations, although many struggled to follow them to the letter, and a small minority did not comply at all. In general, it appears that compliance was highest during the first lockdown period, when the rules were clear and consistent across the whole population. However, over time, as the Regulations became more differentiated (e.g. across different localities), public messaging became less clear (even by government ministers), and examples of high profile breaches diminished public confidence in the effectiveness of the Regulations, the challenges for policing increased. The data presented in this report provide a lens through which to examine these challenges based on the changing profile of those who were subject to enforcement, the differential demands on local policing across the country, and the shifting nature of when and where policing activity was required.

Looking at the big picture, the data reflect a restrained approach to policing during the pandemic. Just over 8,000 FPNs were issued as a result of breaches to the Coronavirus Regulations in Scotland between March and December 2020. This represents a fraction of all policing activity, given that the police recorded around 380,000 crimes and offences over the same period of time. It also reflects a marginal impact on members of the Scottish population, given that less than 0.2% of Scottish adults were issued an FPN. In addition, despite having the power to issue multiple tickets at incremental amounts, the vast majority of FPNs issued during this time period were recorded as being for the lowest ticket amount of £60, which suggests that repeat ticketing was relatively uncommon. It is likely that this pattern of minimal enforcement reflects a combination of high levels of adherence amongst the population and Police Scotland’s commitment to the use of the Four Es approach. Nevertheless, the data do show variation over time in the use of enforcement, with larger peaks in activity during April and May (when the restrictions were at their strongest) and again in November and December (when the restrictions were re-tightened).

The link between the use of enforcement and the easing and tightening of restrictions is indicative of a measured approach to policing; however, the data do reflect shifts in the profile of those who were being impacted by the restrictions over time. To explore these shifts over time, data analysis was conducted across three phases: phase one, from May to June 2020, broadly represented the initial lockdown period; phase two, from July to October 2020, encompassed the period of summer easing and the gradual tightening of restrictions on travel and social gatherings; and phase three, from November to December 2020, reflected the re-tightening of restrictions on travel, hospitality, entertainment, business and gatherings.

Overall, the data show that there were three times as many tickets issued to men than women, and younger people were substantially more likely to be fined than older people, although the age profile for both sexes was the same. There was an increase in the proportion of tickets issued to women between the first two phases and the third phase (from around a fifth to a third). However, there was a more notable increase in the proportion of FPNs issued to people aged 30 or under, which rose from

around five in ten during phase one to eight in ten during phases two and three. These findings fit with wider evidence that compliance was lower amongst younger people as the pandemic wore on; although it suggests that non-compliance amongst younger women was increasing at a faster rate than amongst young men. However, these findings are also likely to be reflective of changes in the circumstances in which policing activity was occurring and the reasons for which FPNs were being issued by the police.

Towards the autumn of 2020, there was significant concern about the spread of the Coronavirus amongst younger people, and especially the student population as they returned to colleges and universities in September and October. The new Regulations that were introduced on the 14th of September, which placed tight restrictions on the size of gatherings ('the rule of six'), undoubtedly had a disproportionate impact on younger people, especially students who were living away from home in halls of residence and other student accommodation and looking forward to enjoying 'student life'. During phase two, it was widely reported that a large amount of police time was spent breaking up student parties. Nevertheless, the overall number of FPNs issued during this period was much lower than during phases one or three. In fact, the number of FPNs issued during phase three was more than three times higher than during phase two, although it still involved a greater level of enforcement amongst those at the younger end of the age spectrum. While the increased rate of enforcement in phase three undoubtedly reflected some continuing issues with the student population, it is probable that the age profile of FPNs during phase three was representative of a much wider cross-section of the population, but especially younger people, who were growing increasingly frustrated and non-compliant with the restrictions.

It is well recognised that the pandemic has had a particularly acute impact on people from Black, Asian or Minority Ethnic (BAME) backgrounds within the UK. During the initial lockdown period, data for England and Wales showed that rates of FPN were 1.8 times higher for people from BAME backgrounds than white people, while similar data for Scotland showed a smaller difference of 1.3. In this report, we found an ethnic disparity of only 1.1 and, looking across the three phases, the likelihood of receiving an FPN amongst those from BAME communities reduced to the extent that it was lower compared to white people during phase three. Published data for the UK have suggested that compliance was consistently lower amongst people from minority ethnic backgrounds during the course of the pandemic. However, the data presented in this report suggest that any differences in enforcement between white and non-white groups were marginal and may be more readily explained by demography rather than ethnicity.

While information on the impact of the pandemic on non-UK nationals is relatively scarce, there is some evidence to suggest that the more fragile labour market position of immigrants (e.g. as key workers, self-employed or part of the 'gig' economy) may have impacted on their ability to comply with the Regulations. However, non-UK born individuals would also include students travelling to the UK to study at our universities. The data presented in this report show that the vast majority of people who received FPNs in Scotland were born in the UK; however, the rate of issue was 1.3 times higher for people born in the EU and 1.7 times higher for those born outside the EU. The highest proportion of FPNs issued to non-UK nationals occurred in phase two, which coincides with the concern over the student population. Although the data do not include information on employment status, the age profile of the non-UK born FPN recipients indicates that many of them may well have been students. Therefore, albeit small in absolute terms, it is likely that the restrictions did have a particular impact on a number of young people who travelled to Scotland to study (who may or may not have been fully aware of the restrictions in place).

One of the key findings from previous reports about the use of FPNs in Scotland was the high proportion of recipients who were already known to the police at the time of enforcement. During the first lockdown, it was the view of police officers in Scotland that a very small section of the population had

created a disproportionate amount of work from a policing point of view. However, more recent interviews with officers highlighted a perception that compliance had waned across a wider swathe of the population, especially amongst young people. As a result, it was stated that there was often an acceleration in the speed at which officers went through the Four Es. The data showed that, overall, six out of ten FPNs were issued to people who were already known on Police Scotland's criminal history system; however, this varied across demographic groups (e.g. it was higher amongst older FPN recipients and lower amongst those born outside the UK). More importantly, it declined substantially over time. This suggests that as time went on, and enforcement was being applied more quickly, it was increasingly impacting on younger people and those who had no prior history of offending.

The impact of the pandemic on individuals living in poverty or in deprived communities has been a significant concern for policy makers across the UK, especially in the context of the 'levelling up' agenda. Linking the home datazone of FPN recipients to the Scottish Index of Deprivation (SIMD), analysis showed that FPNs were most likely to be issued to people living in the 10% most deprived communities in Scotland and least likely to be issued to those living in the 10% least deprived communities. However, the disparity between those at the top and the bottom of the SIMD changed dramatically over the course of the pandemic. During phase one, there was an extremely steep deprivation gradient, such that 12.6 times more FPNs were issued to people living in the 10% most deprived communities compared to those in the 10% least deprived communities. During phase two, however, this disparity between those living in the most and least deprived deciles reduced from 12.6 to just 1.3. The main reason for this was a sharp reduction in the proportion of fines that were issued to people living in the 10% *most* deprived communities, and a sharp increase in the proportion of fines issued to those living in the 10% *least* deprived communities.

This shift in the deprivation profile of FPNs is uncommon in criminal justice data, and demonstrates the peculiar nature of the Coronavirus Regulations in impacting on people who would most likely not otherwise have been, or not normally be, subject to enforcement. The increase in enforcement amongst those living in some of Scotland's most affluent communities is undoubtedly related to incidents involving students during September and October. Indeed, the four most common home datazones amongst those receiving FPNs during phase two were areas containing university halls of residence and other student accommodation in the cities of Edinburgh and Glasgow. Nevertheless, it is important to bear in mind the total number of FPNs issued during this second phase was much smaller than during phases one and three.

During phase three, the distribution of FPNs according to the recipient's home SIMD decile changed again, but it did not return to the high level of skew seen during phase one. The disparity between FPNs being issued to people living in the 10% most deprived communities compared to the 10% least deprived rose from 1.3 to 2.9. This reflects an increase in inequality, but does not approach anywhere near the level seen in phase one. During this third phase, the percentage of FPNs issued to people who were living in the most deprived SIMD decile remained around the same as phase two, but there was a much flatter distribution at the more affluent end of the SIMD scale. All ten of the most common home datazones amongst FPNs recipients during phase three were located in central Glasgow, and most were located close to some kind of student accommodation. Although, police officer accounts indicate that the problems encountered during phase three involved a far wider range of younger people than just students.

More detailed analysis of the deprivation profile of FPN recipients found no difference between men and women and only a slight difference by ethnic group (with white people being slightly more likely to live in deprived communities). There was also a difference according to country or birth, with non-UK nationals being less likely than UK born FPN recipients to be living in deprived communities. While

those with a criminal history also had a more deprived profile than those who did not. The biggest difference in the deprivation profile of FPN recipients was in terms of age, whereby those aged between 16 and 25 were by far the least likely to be living in areas of deprivation. However, since the analysis was based on 'tickets' and not 'individuals' (and individuals could have been issued more than one ticket) we cannot be certain that there were any significant differences between demographic groups.

Understanding the impact of lockdown on local policing is important, since it is clear that that the pandemic has impacted on different areas of Scotland in very different ways. Overall, Greater Glasgow division issued by far the largest number of FPNs in total; however, taking population size into account, the estimated rate in Greater Glasgow was very similar to that in Argyll & West Dunbartonshire and Renfrewshire & Inverclyde. Generally speaking, divisions in the North and East of Scotland used less enforcement than those in the West, the exception being Edinburgh which was ranked fourth overall in terms of both number and rate of FPNs (although its rate was less than half that of the top three divisions). Much has been reported in the media about people flouting the travel restrictions, especially with regards to visiting scenic beauty spots and tourist destinations. Analysis showed that while FPNs issued to non-residents was higher in more rural divisions with areas of natural beauty, excluding these individuals only partially reduced the rates in Argyll & West Dunbartonshire and Renfrewshire & Inverclyde. Moreover, there was change over time in the divisions that were most impacted by issuing FPNs to non-residents. So, while breaches of travel Regulations did have an impact on policing, this happened in different ways and at different times in different places, and it does not fully explain the geographical differences in local policing activity across Scotland.

Looking at change over time in the rate of enforcement activity across divisions offers some insight into the way that different phases of the pandemic impacted on local policing. During the first phase of lockdown, by far the largest estimated rate of FPNs was Argyll & West Dunbartonshire, followed by Renfrewshire & Inverclyde and Greater Glasgow. During the second phase, the estimated rates declined substantially across all divisions; however, Edinburgh had the largest rate during this phase. While, by phase three, Greater Glasgow had the largest estimated rate of FPNs, followed by Renfrewshire & Inverclyde, and Argyll & West Dunbartonshire. These changes over time no doubt reflect both ongoing challenges (particularly in these three western divisions) as well as new problems (such as in Edinburgh during the second phase). It is impossible to summarise the various nuances of change across divisions over time. However, a comparison of the percentage of all FPNs that were issued during the three phases of lockdown shows that policing in the most rural and remote parts of Scotland were most impacted during the first phase of the pandemic, while policing in urban, densely populated areas (which included large student populations) was most impacted during the second and, especially the third phase. In addition, it seems clear that enforcement was much greater overall in divisions that were affected most greatly, and for the longest periods, by the introduction of localised restrictions.

One particular consequence of change over time in the Regulations and public messaging was a distinct change in the locus of where policing encounters took place. During the first lockdown when people were told to 'stay at home', the vast majority of FPNs were issued as a result of breaches that occurred in outdoor locations and public places (such as parks, beaches and areas of natural beauty). However, during phases two and three, when the messaging was more complex and largest areas of concern were around social gatherings and household mixing, the vast majority of FPNs were issued at incidents occurring indoors or in private spaces (including people's homes, rented properties and other private venues). This change in both the focus of the messaging and the increasingly localised restrictions which targeted densely populated local authorities helps to explain why more rural divisions issued a larger proportion of all FPNs in phase one, while more urban divisions issued a larger proportion in phases two and three. However, this shift in locus also impacted on the temporal pattern of

enforcement, which moved away from daytime activity towards a pattern of policing that is more traditionally associated with the night time economy. Clearly this must have impacted on changing shift patterns and operational planning for senior officers in some divisional areas as the pandemic went on.

To conclude, the data presented in this report provide valuable insights into the changing nature of one small but important aspect of policing - the use of FPNs - in the context of the pandemic in Scotland. The data show that the pandemic impacted on policing in different ways, in different parts of the country, at different stages of the lockdown. It demonstrates that having a national strategy, in the form of the Four Es model, has helped to minimise the use of enforcement; however, the practical challenges in terms of the scale and nature of demand for policing have necessitated a local, rather than a national, policing approach throughout the course of the pandemic. It is clear that police use of enforcement has involved different groups of people, from different demographic backgrounds and very different social circumstances, at different points in time. It is not possible from the data presented here to comment on the changing reasons for FPNs being issued, the circumstances in which encounters occurred, or the demeanour of those involved at the time of the FPN being issued. However, the data do highlight a distinctive shift in the population of people who were subject to policing at certain points of the lockdown. There is no doubt that the ongoing nature of the pandemic, and the frequently changing Regulations, have created challenges for both the public and the police in ways that could not easily have been anticipated.