



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

Joint Central Committee Conduct Subject Committee

Ref: CS/DJK/LS

MINUTES

22 April 2014

1. Attendance

North Area Committee	John Ferguson
North Area Committee	Brian Dick
East Area Committee	Steven Herd
East Area Committee	Gordon Dixon
West Area Committee	Jim Foy
West Area Committee	Philip Maguire
West Area Committee	Graham Gosling

General Secretary	Calum Steele
Chairman	Brian Docherty
Vice Chairman	David Ross
Conduct Secretary	David Kennedy
Business Administrator	Lesley Stevenson

Apologies were received from the Deputy General Secretary and Sandy Smart.

2. Opening of Meeting

The Chairman opened the meeting by welcoming everyone to the Conduct Subject Committee meeting.

3. Minutes of Previous Meeting

The Minutes of the previous meeting had been circulated and were approved.

4. Legal Assistance

The Conduct Secretary told the Committee that if legal advice/assistance is being sought regarding misconduct cases the member is being asked to provide a statement of fact giving as much detail as possible. This is to assist a proper assessment of the case.

In relation to cases being funded by the Scottish Police Authority (SPA) there was currently one small claim case and 15 driving offence cases. The Committee discussed this issue and it was noted that the high number of driving cases could be due to the

distances officers were driving in the new PSoS. The Deputy Chief Constable had said he would look into the matter.

The Conduct Subject Committee agreed that the Conduct Secretary would speak to Peter Jones, Health & Safety Secretary on this matter. The Conduct Secretary told the Committee about the E-learning package and said he was awaiting further information on it. There was concern about drivers not having completed a two week course but due to the e-learning package were now able to use blue lights and sirens. He said that they were looking for someone to take ownership of the e-learning package and the Chairman advised that it should be taken to LNCCs. It was agreed that the Conduct leads would raise the matter locally and the Conduct Secretary would keep the matter under review.

The Committee discussed the DAS Scheme and it was noted that it was going well. Brian Dick raised the matter of local solicitors being used. This was discussed and it was noted that telephone and video conferencing were the normal tools used, keeping costs down. Members were asked to submit any area related issues to Woodside Place.

The Conduct Secretary told the Committee that negotiations were ongoing with DAS relative to funding solicitors for work carried out before a copy complaint was served. For example, this could happen where an accused officer was interviewed but not immediately charged and information pertinent to the case came to light and would affect the Crown's decision on the case. It was noted that discussions would take place with the Trustees and DAS. The Vice Chairman advised that he had a quarterly review meeting on the 29th April with DAS and he would raise the matter at that meeting. Members agreed that any amendment to the scheme would have to be mindful that this new provision required to be strictly controlled.

Members discussed the funding of cases by the SPA and in particular the process used to appeal a decision by the DCC to reject an application. It was reported that this was being discussed at the SPA. Brian Dick asked the Conduct Secretary if the decision time taken by the DCC in relation to on-duty matters was improving. He was told the situation was now a lot better and that a system put in place by Woodside Place helps with this.

5. Complaints Against the Police

The Conduct Secretary gave the Committee statistics from the SPA on complaints against the police. It was noted that the East and North Area complaints had increased and that complaints from the West had slightly reduced.

It was noted that there were 12 officers currently suspended which was down considerably since the inception of Police Scotland.

The Committee discussed data protection cases and the Conduct Secretary told the Committee that the Crown Office had confirmed that any such complaint would be looked into robustly. He said he was awaiting details of a case from England and Wales where an officer had been acquitted because it had been shown he had not received appropriate data protection training. The General Secretary said that police officers who had been convicted of data protection offences was a subject that had attracted the

interest of the Scottish Parliament following FOIs submitted by the Herald and the BBC. He had made a comment to the BBC for a programme to be aired in the future which he thought would explain the difficulties faced by the service and individual officers in relation to data protection.

The Conduct Secretary said he was to speak with the Crown Office relative to officers facing criminal complaints and operational statements. In response to a question from the Chairman he said he should have the matter resolved within six weeks.

6. Conduct

The Conduct Secretary told the Committee that the PSoS Conduct Regulations 2014 had been circulated. Training is ongoing and John Ferguson thanked the Conduct Secretary as the training courses had been well received. The Conduct Secretary said that there had been some suggestion that an English PACE type caution be used in the process in Scotland. He had advised the Scottish Government and PSoS that SPF would be totally opposed to such an initiative. Jim Foy raised the question of force training for supervisors and the Conduct Secretary said that sergeants were getting a half day training and inspectors were getting a full day. Both Graham Gosling and Philip Maguire raised reservations about the quality of force training both for operational officers and investigators.

7. Performance

The Conduct Secretary told the Committee that the PSoS Performance Regulations 2014 had been circulated. He had some concerns about the adoption of new procedures particularly where performance matters were dealt with as conduct issues. Training is ongoing.

Members raised concerns regarding the new performance regulations being sent out to officers on sick leave and it was agreed that this would be raised with DCC Richardson.

8. Police Appeals Tribunal

The Conduct Secretary told the Committee that there had been one Police Appeal Tribunal (PAT) since the last meeting but the appeal was unsuccessful. Members discussed the new PAT arrangements which were to be debated at a meeting to be attended by the Conduct Secretary and the Deputy General Secretary.

9. Police Investigations and Review Commissioner

The Conduct Secretary told the Committee that he would be attending a meeting on the next day to discuss several issues relating to custody. Members raised some concerns about the way PIRC staff were carrying out interviews with police officers.

Around 160 responses to the PIRC Survey had been received to date. The survey closes on 28 April.

10. National Vetting

There was no update.

11. Domestic Abuse Training

The Conduct Secretary told the Committee that he had had meetings with the DCC and Chief Superintendent Thomson about domestic abuse training. It was agreed that this item would be kept on the agenda to await outcomes.

12. Competent Business

The General Secretary reported that the Force Substance Misuse SOP had been approved at the JNCC the previous week.

The Chairman and General Secretary had met ACC Mawson relative to stop and search and a report from the SPA on this issue was awaited.

The Conduct Secretary was to meet with Peter Watson of Levy & McRae to discuss social media sites and the risks to members.

The Chairman said that in relation to the Commonwealth Games the Conduct Secretary would be contacting Martin Clougharty. It was also reported that the Federation would have a single point of contact number in operation over the relevant period.

Brian Dick raised the practise of the police reclassifying offences post-conviction. It was agreed that an item, Reclassifying Offences be added to the next agenda in order that this issue could be examined and reported on.

13. Closure

Date of next meeting: 29 July 2014

The Chairman thanked everyone for their contribution to the meeting and wished them a safe journey home.