



Scottish Police Federation North Area Committee

Minutes of the 3rd quarterly meeting of the Scottish Police Federation – North Area Committee held on Monday 5th and Tuesday 6th September 2016 at the Atholl Palace Hotel, Pitlochry.

1. Members Present

Full Time Officials

David Hamilton	Chair
Steve Thomson	Secretary
John Crawford	Vice Chair
Neil MacDonald	Deputy Secretary
Peter Jones	Assistant to the General Secretary/Health and Safety

Constables	Sergeants	Inspecting Ranks
Fraser Robertson (Day 2)	Derek Baxter	Frank McManus (Day 1)
Brian Dick	David Threadgold	Gordon Milne
Mike Purdie	Andrew Bilton	Caroline Scobbie
Gary Johnson	Martyn Turner	David Ogilvie
Sandy Smart	James Thomson	Neil Cameron
Davie Smith	Gordon Forsyth	Andrew Barclay
Gus Morrison		
Linsey Burns		

2. Opening of Meeting

The Chairman opened the meeting and welcomed all members present and he encouraged everyone present to take an active part in the meeting and to contribute to discussion and debate. Sheena Joss, office administrator from Dundee was attending as a minute taker. A specific welcome was made to Andrew Barclay who was attending his first North Area Committee meeting.

A welcome was given to Neil MacDonald on his first North Area Committee meeting as Deputy Secretary.

The Chairman highlighted that, Assistant Chief Constable Andy Cowie (ACC for the North) was asked to attend the meeting but unfortunately had commitments on both days.

3. Apologies for Absence

Apologies were received from;

Dave Forsyth – A/L
Graham Smith – A/L
Fraser Robertson – A/L (attended Day 2 only)
Grant Letham – A/L
Gordon Deans – training course
Shirley Moran – training course
Karen Harrison – training course
Frank McManus – (attended Day 1 only)
Iain Smith – work commitments

Excusals during meeting;

Sandy Smart (Day 1 for a short period)

4. Approval of Previous Minutes

The Minutes of the previous Meeting which were circulated in advance of the Meeting were formally approved having been proposed and seconded by Davie Smith and Gordon Forsyth.

5. Matters Arising

5.1 Action/Decision Log

The action and decision logs had been circulated in advance of the Meeting and the contents were noted by the Committee.

Action 0004/16

The Secretary advised that the motion was presented at JCC on 23rd/24th August 2016.

It was defeated. A discussion thereafter took place by the Committee regarding same.

The meeting agreed to **close** the action

6. Standing Items

6.1 JCC Update

The Secretary advised the Committee that the last meeting of the JCC was held on 23rd and 24th August 2016 at the Houston House Hotel, Livingston the minutes of which will be placed on the SPF website when ratified. The Chair and Secretary variously advised and discussed the following points of interest;

Our current General Secretary, Calum Steele, was elected unopposed to the role as General Secretary. The election of an Equality Secretary / Assistant to the General Secretary was carried out after a rule change to make the role Assistant to the General Secretary. Nigel Bathgate, one of the current Deputy Secretaries in the East area was elected unopposed.

The current Chair, Brian Docherty, advised the Committee that he would be retiring and an election would be held at the next JCC in November 2016 for his successor.

David Ross is to run an election for the forthcoming 5 vacancies for the North representatives in the week starting Monday 5 September 2016.

As mentioned in Action 0004/16, this motion was defeated at the last JCC meeting. It was agreed that the Committee should continue to develop their own strategy for the North and that arrangements were being made to publish another North newsletter.

Legal advice and assistance

The Deputy General Secretary provided an update that there were 16 new cases for various matters which had been received since the last meeting.

Updates were provided in relation to Held in Reserve, Allard and Holiday Pay.

Holiday Pay

This matter may progress to PNB for a decision unless PSoS agree to settle a claim via solicitors. Letters will be sent to all members who are awaiting a decision.

Held in Reserve

A judicial review is ongoing in relation to this. Debate has been ongoing for some time regarding this and solicitors from both sides are discussing the matter. David Hamilton is collating the details of all officers who attended the Royal Court, Castle of May and other duties falling into this category. Notice has been served on the Force.

Allard

This is a case taken by officers from Devon and Cornwall against their Chief Constable. This primarily came from them being CHIS handlers who were not paid for taking calls in their own time from sources. The Court decided that the officers were entitled to payment paid back for a 6 year period and this was appealed against the Chief Constable of Devon and Cornwall. On the back of this a number of officers from throughout the UK have requested payment and this may go to a Judicial Review, which is the easiest and quickest way to get a decision at court. The Scottish Government are fully aware of the potential financial implications which would be placed on the Force.

Police Negotiating Board (PNB)

The PNB negotiates the terms and conditions for Scottish Police officers. They are an advisory non departmental public body but only in Scotland. The Board look to seek agreement between the official side, who are SPA, Chief Constable and Scottish ministers and the staff side SPF, ASPS and Scottish Police Chief Officers Staff Association forming recommendations to be passed to the Scottish ministers.

The last meeting took place on 15th June 2016 when the staff side submitted a 2.5% pay rise claim. It is expected we will hear a decision in advance of the next scheduled PNB meeting.

A technical Working Group met on 17th August in relation to exigency of duty, an introduction of an overnight allowance and compensation for working into a rest day.

Exigency of Duty

The Committee were advised that it was sought from PNB to define greater guidance to managers regarding definitions and guidelines. It is hoped in the near future that there will be a form of agreed words in place and agreed by all parties.

Held in Reserve

Dialogue has been entered with the official side in relation to an overnight allowance being introduced to replace current Held in Reserve arrangements.

The official side are looking at compensation paid to officers for working into a rest day and are eager to pursue this. The staff side are keen for this compensation to remain.

The staff side have proposed a regulation change that would allow, in some instances, payment to be granted to officers being required to work a rest day with more than 15 days' notice (as opposed to another rest day being allocated). The official side are unenthusiastic even though it would only be after the Chief Constable has agreed to it.

Pensions

A letter was sent by the General Secretary to the Cabinet Secretary regarding current Pension Scheme and administration arrangements.

A meeting was thereafter arranged where frustrations around the running of the Scheme were discussed. There is concern within Police Pension circles regarding officers leaving the Scheme, often on the wrong information.

The annual benefit statements should have been sent out to all officers by the end of August. This will not be a total projection forecast, it will merely show what officers have paid into the fund to date. SPPA are currently working on a calculator through Government Actuary's Department (GAD) which should soon be available on the website.

Several members of the Committee commented on the lack of information and inaccuracy in their annual pension statements.

Scottish Police Consultative Forum (SPCF)

The SPCF runs in conjunction with PNB. The functions of the SPCF are not set out in legislation but Scottish Ministers have a statutory obligation to consult Policing stakeholders before making any changes to the regulations governing a wide range of non-negotiable matters which affect police officers in Scotland and will look for these to be agreed through discussion at the SPCF before they are made.

The last meeting took place on 15th June in Edinburgh, amongst discussions were Inspectors working hours, an update on the staff survey and Pathways to Policing.

Inspecting working hours are considered along with the Superintending review. This has now been forwarded onto the 2026 project. It is currently calculated that 1200 Inspectors are doing the work of an additional 400, meaning the organisation are gaining approximately £19m in savings by having additional work done for free.

The staff survey results came out a year ago and to date the Force have not tangibly decided what they are going to do with the results, which is exceptionally disappointing.

Pathways to Policing

SPCF Chair Ian MacKay has directed further meetings to take place with all Staff Associations regarding Pathways to Policing. Gill Imrie, HMICS, voiced her concerns about the proposed recruitment change. Pathways are proposing 3 paths, normal route, Special Constable and degree route. Degrees considered would be in relation to Police related matters. ASPS, SPF and HMIC are opposed to graduates being offered preferred postings in the organisation.

Pathways are also proposing to cut back on course work at Tulliallan and are proposing Moodle packages, of which there are 28 in total. They are also looking for a direct route in for Special Constables to negate the requirement to attend at Tulliallan. HMIC are opposed to officers not attending at Tulliallan as they point out the bonding benefits of attending. Pathways appears to change what they are proposing at each meeting that takes place and there are presently more questions than answers to what is currently being proposed.

The Scottish Police Authority (SPA)

This is a public body of the Scottish Government which holds Police Scotland to account. Both bodies were established on 1st April 2013 with the inception of Police Scotland.

The last meeting took place on Thursday 25th April 2016 at Stirling University. The SPA met with them and discussions took place surrounding the CCU review. A more

comprehensive update is provided later in these minutes under Legislation and Regulations.

Scottish Police Budget and Finance

A meeting was held with the Scottish Government on Monday 22nd August 2016 at Woodside Place. David Ross (SPF Policy & Co-ordination officer) is currently leading on this and PSoS are looking to implement 10 quick wins in an attempt to fill the financial deficit the Force currently has. This is expected to be in the region of £80m by 2020. A Savings Delivery Group has been set up and they will meet every 14 days.

ACC Mawson has agreed that areas which previously had acting ranks could continue with this practice, however no area will be able to start temporary acting posts in a bid to save on costs unless a full business case is carried out. The organisation are still hoping that the VAT issue may be resolved, which would return a substantial total of the deficit.

Motion

1. The EAC presented a motion at the last JCC in relation to officers and their partners undergoing IVF. This was accepted and this has been passed onto the PNB Equality Committee for progression.
2. Rule change – The Health and Safety, Conduct and Equality leads will now be known as Assistants to the General Secretary in order that they can deal with other matters not within their previous areas of speciality.

6.2 Subject Committees

The minutes of all national Subject Committees were circulated as JCC Circular 46/2016.

• Conduct

The Vice Chair provided the Committee with the following update:

Conduct On - 9
Conduct Off - 5
Criminal On - 20
Criminal Off - 17

There are 6 officers currently suspended in the North Area. This is the same figure as previously.

There have been 8 Misconduct Meetings / Hearings since the last meeting where the outcomes have ranged from no finding of Misconduct to a Final written warning.

North Area Conduct Meeting

The North Area Conduct Committee met on Tuesday 19th July 2016, the minutes of the meeting have been circulated to the Conduct Committee.

JCC Conduct Meeting

The Conduct Sub-Committee last met on 2nd August 2016 in Woodside Place, Glasgow. The minutes of this meeting are available on the SPF website.

- **Equality**

Caroline Scobbie confirmed that the NAC Equality Sub Committee had met on 15th August 2016 at Dundee SPF Office, the draft minute of the meeting had been circulated.

The issue of training was raised and it was hoped that additional training would be provided to members of the Committee.

Absence Review

The Chairman then gave a brief update that at present there were the following officers absent across the North Area;

A - 12 – 2 in IHR process

D - 25 – possibly 4 in IHR process

N - 13 – possibly 1 in IHR process

Grievance

Aware of one officer being supported in A Division.

Flexible Working/Part time

Not aware of any currently on going receiving support.

- **Health & Safety**

The Secretary advised that the North Area Committee Health & Safety Sub Committee had last met on Monday 18th July 2016 at Dundee and the minutes have been circulated to the Committee.

North Area Health & Safety Meeting

The Secretary advised that the North Area meeting chaired by ACC Andy Cowie had met on one occasion since the last North Area Committee meeting on Tuesday 5th July 2016 in Aberdeen. He and Peter Jones attended this meeting. The issue relating to BBV issue was again raised as there appears to be an issue at a higher level as to the standard of

treatment being delivered to Officers. A task was taken for clarity to be sought and clear guidance to be given to A&E Departments. It was also revealed that H&S training is suspended due to quality assurance and Peter Jones is to write/speak with John Gillies to ascertain the position in regards to this. It was also decided by ACC Cowie that water safety vests were not to be service within D Division at this time and the SPF's view that throw lines only would be suitable.

Vehicle checks were raised by the SPF and that greater checks would be required and scrutiny around that bearing in mind the reduction in the budget for fleet.

Davie Smith and Mike Purdie had recently carried out a Health and Safety Inspection at Fraserburgh Police Office.

JCC Health & Safety Meeting

The JCC H&S Subject Committee last met on Tuesday 2nd August at Woodside Place, Glasgow. These minutes have also been circulated.

Points of Note

The Secretary updated that the H&S Committee for Custody and OSD has been set up recently and although in its infancy this is a positive and aspects will be spoken and dealt with in these areas. These both met in Paisley on Tuesday 2nd August 2016. The minutes will be circulated in due course.

Gordon Milne provided an update in relation to T in the Park and Frank McManus advised he had attended the de-brief session where various points were raised. These included no facilities for officers to clean their footwear and clothing due to the muddy conditions and food provision. Also the matter of a large number of officers being rostered to work 12 hours or more was raised and the lack of clarity surrounding drug confiscations.

The Secretary advised that within the last 2 weeks JCC Circular 47/2016 was circulated in relation to the Cranfield University Survey on female body armour. This was circulated to all Federated members within A, D and N Divisions.

Peter Jones provided an update in relation to the issue of winter clothing and hats in that they will not be issued in time for this year's winter. He advised that in essence the matter had not been passed to procurement from the UPPE Group hence the delay. A discussion was had and Peter Jones and the entire Committee expressed their frustrations with this matter as it has been ongoing for such a lengthy period. It was agreed that this would be escalated to Woodside Place, Glasgow.

6.3 Standing Committees

The minutes also formed part of JCC Circular 46/2016

- **Finance**

The Chairman confirmed that the Finance Standing Committee had met on 3rd August 2016 and he updated on the discussions at that meeting which mainly centred around accounts and portfolios.

- **Legislation & Regulations**

Legs and Regs

The Secretary advised the Committee that the Legs and Regs are not an agenda item for JCC and are only carried out as and when they are required. The purpose is to consider any changes in legislation and regulations which would impact on police officers. The last meeting took place on Wednesday 3rd August 2016 at Woodside Place, Glasgow and the minutes will be placed on the SPF website when ratified.

Two recent items which were discussed, related to Governance in Policing, which was a paper written by Andrew Flanagan, Chair of SPA and the Police Scotland- Counter Corruption Unit Assurance Review, which was carried out by HMIC.

Governance in Policing Policy

The Chair advised that this is a report written by Andrew Flanagan, who is the Chair of the Scottish Police Authority (SPA) after a request by the Cabinet Secretary. This review was to take into account evidence from the past 3 years with SPA and PSoS since their inception. There are 30 recommendations in total in the review, ranging from asking for greater consideration to differing community needs to a review of the SPA to ensure they have the necessary skills to hold the post.

Recommendation 21 defines that the SPA should clearly set out how it intends to hold the Chief Constable to account through a governance performance framework. The SPA were aware of this at their March meeting, however did not take PSoS to task, which is worrying as they are there to hold the Force to account.

A letter has been written by the General Secretary to all MSPs advising that if something is in a manifesto this does not require to be implemented in full. This was forwarded and ratified at the JCC on 23rd and 24th August.

Police Scotland – CCU assurance review

The Chair advised that the SPF are setting up a Group to look at the review of Counter Corruption Unit with Brian Docherty (SPF Chair) and David Kennedy (SPF Dep General Secretary). The report is damning with significant flaws and failures in relation to the CCU.

This report was completed on the back of the Emma Caldwell murder in 2005. This case fell when Turkish suspects, who were arrested for the crime were subsequently acquitted as there were problems with the Police translations. This was further compounded as officers downplayed a non-Turkish suspect, who was an obsessive user of prostitutes

with a violent history who admitted taking Emma Caldwell to the area where her body was found on several previous occasions.

This was investigated by the Sunday Mail and led to Counter Corruption Unit investigating what they wrongly believed was information that police officers who had been on the murder team provided to the Sunday Mail. This breached a number of regulations failing to obtain a judge's approval and placing Regulation of Investigatory Powers Act (RIPA) on officers. Amongst the officers and ex officers placed under investigation was a former officer, turned journalist who had spent 18 months investigating the Caldwell case. CCU then placed time investigating this as opposed to using the resources to reinvestigating the crime which occurred. During this it was established that a number of productions had been misplaced and lost. It is concerning that Officers are on occasions are put through the court process where minor items are lost, however no one has to date been disciplined over these matters.

SPF funded the officers in taking PSoS to an Employment Appeal Tribunal (EAT) which was heard on 22nd July and the result announced on 8th August 2016 and the matter was upheld as a breach of RIPA and payment was made to some of the former officers as compensation. David Kennedy, Deputy General Secretary said of the decision *"This judgment leaves no doubt that the actions of the Police Service of Scotland towards our members (and others) breached their human rights. The SPF had no hesitation in supporting our members seek remedy for this breach, and we sincerely hope the Service will reflect on this ruling when considering their future actions"*.

This can be viewed on the SPF website under SPF Media Release IPT Judgement 080816, which contains a link to the judgement.

BTP

Proposed merger take place with PSoS. For information there are currently 231 BTP officers based in Scotland, with the headquarters based in Glasgow and they are unique as an ACC is in command of the Force in Scotland. They have an area secretary and 4 reps covering Scotland.

- **Operational Duties**

The Chair advised the Operations Duties Committee met on Wednesday 3rd August 2016 at Woodside Place. The minutes will be placed on the SPF website when ratified. The following items are of note.

ACDP Accelerated Career Development Path, Police Diplomas

It was reported that there is still no properly approved system for officers' appraisals. Anyone who has recently received one is not receiving a national one and therefore it cannot be classed as a proper appraisal.

There are likely to be some changes made to the senior selection process and the diploma, at this time it is not known what is being considered.

Special Constables

The proposed changes looking to introduce Performance Regulations for Specials has met with resistance from the Scottish Government. In light of this it may not be introduced.

At a meeting on 19th April, the recording of Working Time Recording for Special Constables was discussed. At that one of the suggestions put forward was a paper form being filled out by the Sergeant similar to Pava recording. This will again be discussed at the next meeting scheduled for 19th August.

An allowance was kept in place for Special Constables to claim a £30 annual boot allowance and for them to be able to claim travel to and from their home station.

There is an ongoing marketing campaign to recruit a further 900 Special Constables throughout the country. This is being carried out mainly on social media.

CBRN

A letter in relation to a white powder alert was sent out by National CBRN centre on 2nd August 2016. This relates to a recent spate of letters which have been circulated throughout various Police Forces throughout the UK.

Advice is provided to all staff who handle external mail should they receive any such packages.

Post Incident Procedures

Most full time officials in Scotland have had training in relation to Post Incident Management. PFEW are running a seminar and the SPF are looking into the cost of holding a similar seminar in Scotland so reps can be trained.

Workforce Agreements

It was reported that some departments are not following the process properly and this is being challenged with the relevant areas.

The current workforce agreement will be updated to include British Summertime changes.

Custody

The Secretary updated the committee that versions 4 and 5 of the Custody SOP were released on 14th and 19th July. Under section 5 4 1 a 2 day training course is considered

sufficient training. Peter Jones has written a letter to Chief Superintendent Gary McEwan asking why these changes have been made as it appears the organisation will be placing officers in custody who are not adequately trained.

ACC Williams is currently reviewing Custody to establish whether it should remain a separate Division or be consumed into the respective regional areas.

Armed Policing Monitoring Group

The chair advised that there were a number of issues with senior management training for PSoS who should have 25 trained officers, however only currently have 18.

It was announced that there would be an uptake of 124 new firearms officers, however this will still mean that 97% of the Force remain unarmed.

There have been a number of issues with some firearms officers experiencing difficulties with the firearms body armour in pointing their firearms straight ahead. This will be discussed at a meeting scheduled to take place in late August.

Superintendents Review Group

A Steering Group has been started to look at the Policing 2026 Project. ACC Malcolm Graham is leading the 2026 Vision. This work is, in effect, going to shape what PSoS operating model going forward will look like. This is in its infancy however consultation with the SPF and ASPS has been undertaken and will continue.

Inspecting groups to be updated after JCC.

It was announced that there will be promotions in November and February for Sergeants and Inspectors. At this time it is unknown how many Officers this will affect.

6.4 Force/Area Meetings Update

LNCC/JNCC

The Secretary advised the committee that the LNCC usually met every 3 months and was a window for the North area to take matters to the ACC in an attempt to have situations resolved locally. ACC Andy Cowie chaired the last meeting in Aberdeen on Tuesday 5th July where one of the issues raised related to MRT and David Hamilton was progressing the matter which is still ongoing.

JNCC had not met for some time and a proposal has been put forward in that the LNCC will meet as one large meeting as opposed to the current 3, which they believe will cut down on meeting times as they may well meet prior to the JNCC.

LNCC 5C

The Secretary updated the Committee that he attended the last 5C H&S and 5C LNCC meetings at Tulliallan on 13th July 2016 on behalf of Peter Jones. He advised the Committee that there had been an uplift of staff at Bilston Glen ACR and this should follow suit in Dundee. There was no update in relation to the future closure dates of Aberdeen and Inverness ACR's but the Chair of the meeting, ACC Hawkins assured that the review being carried out by Derek Kildane will be done shortly and he will give further guidance regarding closure dates by the end of the summer.

The Secretary expressed his disappointment that no-one from the PSoS Health and Safety team was at this H&S meeting. The Health and Safety advisor was due to be there but no apology was given and no H&S update was provided as a result.

Divisional Management Meetings

N – The Vice Chair has continued to attend all Divisional meetings in N Division. The last meeting took place in Inverness on 10th August 2016. There were no major issues of note discussed within the Division.

A – The Secretary advised he meets with Chief Supt Thomson every quarter and will see him as and when he needs to. The Ch Supt was keen to highlight the outstanding work of staff during the recent death of 3 persons within Aberdeen where PIRC were involved. The Secretary attended the subsequent gold meeting and the issue of Officers having their footwear taken was resolved within one day. His next meeting with him is on Friday 9th September 2016,

D – The Chair advised there have been several meetings with Chief Supt Anderson who had shown himself willing to listen and progress matters. He has a refreshing approach and is very keen to work closely with SPF. The new operating model is the main discussion at the moment and we are seeing good progress,

7. New Business

None notified.

8. AOCB

Police Uniform

The Deputy Secretary advised the Committee he and other representatives, at the request of the Chief Constable, have been asked to carry out a review of Police Uniform. The first meeting of the Group was to be held on 21st September 2016 where it would be discussed further. Both the SPF and ASPs were being consulted on the matter. The Committee discussed the subject and views were sought. This will be updated on in due course.

Annual Conference

The Chair advised on the position regarding Annual Conference following on from the motion presented to JCC by the Equality Sub Committee. Work is still ongoing in this regard and a Working Party is looking into same.

The Chair also reminded members of the Committee that motions for Annual Conference would be required at the December 2016 meeting.

9. Correspondence

The Secretary advised there was one item of correspondence:

Retiral of Brian Dick. The Chair read out Brian Dick's letter of resignation to the Committee and Brian was thanked for his many years of service and commitment to the SFP in the customary fashion.

10. Time and Date of Next Meeting

The Chairman advised the next Meeting of the North Area Committee would be held on Monday 5th and Tuesday 6th December 2016 at the Atholl Palace Hotel, Pitlochry.

Dates of future meetings

27th & 28th February 2017

11. Closure of Meeting

The Chairman thanked the Committee for their active and constructive participation and closed the Meeting by wishing everyone present a safe journey home.

He was thanked by the Meeting in the customary manner.

David Hamilton

Chair

Steve Thomson

Secretary