



Scottish Police Federation East Area Committee

Minutes of the First Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 27 February 2019 held within The Houston House Hotel, Uphall, Livingston, EH52 6JS

1 OPENING OF THE MEETING

The Chair welcomed all those in attendance to this, the First Quarterly Meeting of the East Area Committee for 2019.

A training and awareness session had been held on 26th February 2019.

He informed the attendees of the Fire Procedures in the event of an emergency and the Representatives were next advised of the timetable of events for the Meeting.

Representatives were duly reminded that their attendance at Committee Meetings was a duty, that approval had been given from the Chief Constable for their attendance and, the importance of Representatives attending and contributing on behalf on their Rank was, once again, highlighted.

The Chair then asked for all discussions to be conducted through him, and declared the meeting open.

.../Attendance

2 ATTENDANCE

Inspector Mark Murphy	C - Forth Valley
Inspector Ewan Wilson	C – Forth Valley
Inspector Jim Thomson	C – Forth Valley
Sergeant David Reid	C - Forth Valley
Sergeant John Burgoyne	C - Forth Valley
Sergeant Anne Begley	C - Forth Valley
Constable Lyn Redwood	C - Forth Valley
Constable John Hay	C - Forth Valley
Constable Calum Baird	C - Forth Valley
Inspector Norman Towler	E - Edinburgh
Inspector Peter Jones	E – Edinburgh
Inspector Neill Whiteside	E – Edinburgh
Sergeant Craig Rogerson	E - Edinburgh
Sergeant Heather Macintyre	E - Edinburgh
Sergeant David Hughes	E - Edinburgh
Constable Euan Sinclair	E – Edinburgh
Constable Stephen Neilson	E - Edinburgh
Constable Richard Wood	E - Edinburgh
Inspector Michelle Ritchie	J - The Lothian's & Scottish Borders
Inspector Andrew Toombs	J - The Lothian's & Scottish Borders
Inspector James Morrison	J – The Lothian's & Scottish Borders
Sergeant John McEwan	J - The Lothian's & Scottish Borders
Sergeant Willkie McCloskey	J - The Lothian's & Scottish Borders (Stand-in)
Constable Darren Gallagher	J - The Lothian's & Scottish Borders
Inspector Ian Stephen	P - Fife
Inspector James McLaren	P - Fife
Sergeant Graham Ross	P – Fife
Sergeant Craig Menzies	P – Fife
Sergeant Graeme McLaren	P - Fife
Constable Stevie Herd	P – Fife
Constable Ian Rushford	P - Fife

OBSERVER

Paul Connelly	Chair – West Area Committee
Andrew Malcolm	Chair
Stephen Clark	Vice-Chair
Grant McDowall	Secretary
Heather Macdonald	Deputy Secretary

3 APOLOGIES

Apologies were received from Allan Symington, Christopher Richardson, Michael Williamson, Austin Barrett and Jim Friery.

4 SEPARATES

The Committee broke into individual rank groups to discuss rank specific issues and to elect their Office Bearers, JCC Reps and Reserves and those who would attend divisional meetings.

Election of Joint Central Committee Representatives:

Constables	Grant McDowall and Stevie Herd
Sergeants	Stevie Clark, Graham Ross (David Reid - <i>Reserve</i>)
Inspectors	Andy Malcolm and Heather MacDonald

Election of Chair and Secretary for Rank Committees:

Constables	Chair	Stevie Neilson
	Secretary	Ricky Woods
Sergeants	Chair	Graham Ross
	Secretary	David Reid
Inspectors	Chair	Allan Symington
	Secretary	Jim Thomson

5 **MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous meeting held on Wednesday 5th December 2018 had been circulated and were approved.

6 **MATTERS ARISING**

(a) **JOINT CENTRAL COMMITTEE UPDATE**

The last meeting of the Joint Central Committee took place on Tuesday 12th and Wednesday 13th February 2019 at Dundee SPF Office. The following points are of note:

As indicated at the last East Area Meeting, the General Secretary, Calum Steele and Deputy General Secretary, David Kennedy, were seeking re-election. Nominations had closed in January and both were elected unopposed.

LEGAL ADVICE AND ASSISTANCE

ALLARD – All appeals in relation to this case have been exhausted and as a consequence, the majority of Forces elsewhere in the UK have settled with affected officers. This was largely dependent on whether Forces were applying the Regulations correctly or not.

There are some issues surrounding local agreements which were in place, therefore, we advise not to enter into any local agreements when it comes to matter of allowances or Regulations. This has created issues around legacy practices which require to be included in the figures.

HOLIDAY PAY – Backdated monies will only be paid out to those officers who signed up for legal action however, **future** payments could potentially be made to all officers who receive regular overtime payments.

There is just about an agreed position and, a formula has been decided for the future which will be applied in December each year. A judgement in Northern Ireland on

4th November, 2018 allows retrospective claims for the past 20 years. This has been appealed by PSNI and updates are awaited.

Two Appeals were heard, one on behalf of an officer from the East and the other on behalf of a West based officer. In relation to the East Area Appeal, clemency was granted to the officer concerned and, in relation to the West Appeal, more work was required on behalf of Police Scotland prior to a decision being made.

Police Negotiating Board (PNB) – No Formal meetings of the PNB have taken place since the last meeting. This is normal as there will be no pay rise in 2019 due to the 6.5% received in September being a 31 month deal.

Pensions - In October last year a revaluation of Police Pension Schemes, one of the features of Public Sector Pensions Act (Governance of CARE Schemes – requirement to be revalued every 4 years) took place.

On 21st December 2018 the Firefighters and Judges won a legal case at the Court of Appeal in relation to discrimination against Judges and Firefighters in respect of the tapering side of their pensions. There were obvious implications for the Westminster Government as this could impact on Civil Servants, the Judiciary, all UK teachers, all Local Government Workers, all UK Health Service Workers, all Firefighters and Police Officers in the UK and Armed Forces. What was known was that the legality of the 2015 CARE Scheme was not questioned or, in doubt.

On 5th December the Pension Practitioner Group met. Amongst discussions that took place was the fact that the Annual Allowance maybe affected by the changes in the 6.5% and commutation factors, which may cause problems for some officers, mainly those who have had quick succession promotions to higher ranks. Anyone affected should have received a letter from HMRC advising them of this and the option to pay back any shortfalls in April 2019.

There are some software issues still ongoing in respect of Annual Benefits Statements and this matter is being escalated by the SPA.

The reconciliation with the State Benefit, there will be no Police Officer loss on the State Pension. This is nothing to worry about and no Police Officer will be worse off, this as a consequence of the transition to Single State Pension.

Those in attendance were reminded that the **SPF CANNOT provide advice in relation to pension matters** and, if contacted, to advise members to seek Professional Advice or, contact the SPPA.

Scottish Police Consultative Forum (SPCF) - No meeting has taken place since the last meeting date.

Scottish Police Authority - The Board of the SPA consists of 13 independent members, the Chair being Susan Deacon.

The Partnership Forum involving SPA, Staff Associations and Force is scheduled for 19th February. This is a positive outcome and allows discussion at SPA and Force level for matters to be addressed rather than the current ping-pong. This is effectively a liaison committee which SPF had sought after in our Chairs address at the 2017 Conference.

The General Secretary will be attending the next SPA meeting on 20th February and he intends raising the issue of police equipment on behalf of Brian Jones from a H&S perspective (firstly the correct equipment needs to be provided and readily available to officers, it needs to be fit for purpose and there needs to be due diligence regarding the procurement process to ensure the correct equipment is purchased).

Scottish Police Budget and Finance - Derek MacKay, Finance Minister for the SNP, has been given agreement by the Green Party to put through his 2019/2020 budget.

The agreed budget only delivers sufficient funding for 16,834 Police Officers (current figure of 17,134 less the previously announced reduction of 300). In addition, the agreed budget does not take account of funding for the 2026 Project, improvements to Custody, Fleet, and Estates etc.

The General Secretary has personally written to every MSP in relation to funding for Policing and Estates issues within PSoS, as it is felt that the Service is not receiving sufficient funding to cover the costs of officers, digital data, standard of equipment and estates.

As earlier stated, there is increased cost for employer's contribution regarding pensions and 2019 will continue to be a difficult year financially.

Joint National Consultative Forum - The JNCC is a decision making body where members of the Force Executive and SPF Trustees sit to resolve issues which could not be resolved at other meetings.

The last meeting took place on the 3rd December 2018. At this meeting the SPF raised a number of issues including a discrepancy in Dog Handlers Allowance, depending on which area the officers are working in, Pay and Promotion for Sergeants and Chief Inspectors along with half pay letters being sent out to officers.

DCC Taylor has set up a short term Working Group looking to stop all officers on long term sick leave automatically going down to half pay, making it incumbent on the Force to justify placing an officer on half pay as opposed to merely doing it as the computer advises the operator to do so.

In terms of the Sergeants and Chief Inspectors pay disparity, (East issue only) it was highlighted that albeit all officers promoted since 1st April 2013 (creation of PSoS) had been suitably compensated (or will be by the March payroll). This is being addressed via PODG and if suitable resolution cannot be achieved, this will be referred to JNCC.

There is a desire amongst partner agencies for officers to carry and administer Naloxone, which can be used for the complete or partial reversal of opioid depression, including mild to severe respiratory depression induced by natural and synthetic opioids. The SPF are strongly opposed to this as there are some medical implications.

Discussions took place surrounding some officers who do not receive CRTP whilst acting up within the East. This matter is being resolved at present.

PIP Process – it has been acknowledged that this is not being done routinely, despite previous assurances and instruction from the Force Executive.

Peoples Operation Delivery Group – This is a meeting chaired by the ACC for either East, West or North in an attempt to resolve matters that we have been unable to be resolved locally or, involve National Divisions.

The last meeting took place on Thursday 7th February 2019, chaired by ACC Higgins (West). ACC Speirs, ACC Johnston, CS Milton, CS Blair and others were present to represent the relevant business areas.

ACC Speirs provided an insight into the response to the Scottish Government Review into Complaint Handling and Investigation which is being led by Dame Ailish Angiolini.

TASER – Following highlight of working practice in Custody regarding the removal of TASER whilst interviewing apprehensions, this has been reviewed and amended. Lockers are likely to be rolled out in Custody Areas.

Postings – Various issues were discussed both from the PSoS and SPF. PSoS continue to have problems in remote areas, particularly the Argyll peninsula. SPF highlighted lack of capacity and regard for postings panel, particularly around internal transfer.

BREXIT – An update on Brexit and contingency plans was provided by ACC Johnston.

Recruitment – Discussion around the current recruitment, training and location policies and how they referred to H&S Guidance.

Mass Mobilisation – Discussion around various events which may require this, ongoing review of plans and training to ensure that current plans are effective and remain fit for purpose.

General discussion on other matters including review of restricted and modified officers, non-compliant shift patterns, Work Force Agreement and other elements.

Police Reform – (Previously known as the 2026 Project) - A lot of what is in the 2026 Project is dependent on the Policing Budget for 2019, and as of the announcement of the new budget in December, many projects have now stalled because the monies are no longer available.

Mobile Data – a roll out will commence in 'D' Division in summer 2019, prior to a National Rollout and it will follow the Adele Rollout.

CJSD/Custody – no funding is available under the newly announced budget for reforms.

There will be a roll out of a new Crash Intelligence System. This will look like Unify which, is basically what it is.

There will be four football matches held in the West in 2020 as part of Euro 2020 and it was been reported that there will be Fan Zones in George Square and possibly other areas of the country.

Working Practices Review Board - Last met in December. Slow progress is being made regarding shift patterns and making all WFA compliant.

Carlton University Survey – The Carlton University Team, namely Professor Duxberry and her team are about to commence the second part of their survey, which has been approved/supported by the Force where they will be looking at C3, Custody and workplace stress.

BREXIT - was discussed and with the 29th of March fast approaching, no one, including the Westminster Government, have any idea of what will happen on the day. The Chief Constable has made a decision along with SPA of not reducing the officer numbers in Scotland by 300 as was to take place in 2019 as, he fears an increase in crime and public order.

Officers have been identified for a Public Order Reserve (400) and a new shift pattern (40 hr weeks) for those officers will be announced soon and with more than 28 days' notice and here will be no opposition from the SPF in relation to this.

POLICE RELATED CHARITIES

UK Police Memorial Day – this year is to be held on 29th September in Glasgow and Prince Charles will be in attendance.

St. Georges Trust – applications can be made regarding the loss of a spouse/partner of a Police Officer when there are children involved.

Bravery Awards - will again take place on Thursday 28th November at the Holyrood Hotel, Edinburgh. Applications will be nominated by their peers and forwarded to the Awards Panel directly as per JCC Circular 6/2009. The email address is enquiries@spf.org and all entries to be submitted prior to 16th August 2019.

Withdrawal of Self-Certification Regarding Absence Management - It was highlighted that the option to remove an officers' right to self-certify for the first 7 days of an absence has, as a direct result of lobbying by the SPF, now been withdrawn by the Force.

b) STANDING COMMITTEE UPDATES

All meetings (Finance, Operational Duties and Legislation & Regulation Committees) were held in Dundee on 22nd January 2019, the minutes of these have all been published on the SPF Website. The Committee were updated on the pertinent elements by the Secretary and Chair.

c) HEALTH & SAFETY

An update was given by the Vice-Chair in relation to Health & Safety matters, including matters that had been discussed at the Joint Central Standing Committee meeting for Health & Safety that was held on 16th January 2019.

Several matters were highlighted to the Committee including:

- **Custody** - An overview was provided regarding the issue of PC-Led Custody Centres and remote supervision in the East Area. A Custody 'Deep Dive' had been carried out by the SPF across **all** Custody Suites within the East Area on 19th December 2018. The 'Deep Dive' was carried out following concerning reports that had been received by the SPF from members in the East Area pertaining to recent changes to working practices involving Dalkeith Custody Suite being PC-Led and remote supervision being conducted by Custody Sergeants within other Custody Suites across the East Area and beyond. This significant change to working practices in the East Area was introduced with no ITIS (Information, Training, Instruction and Supervision), Risk Assessment or, identification of any safe system of work, all of which are legal requirements under Health & Safety Legislation. This position exposes PSoS, SPF members and the public to significant risk. The SPF are continuing to liaise with PSoS in an effort to address the above issues and further updates will be provided when available.

- **Safe Seizure, Transportation and Storage of Firearms** – the short life working group that was set up to look at this issue has since completed a report with recommendations. The report is to be presented at the next Health & Safety Board Meeting in April. In summary, the recommendations are that AFO's will be the only personnel who will be permitted to 'make weapons safe', and any firearm that is taken possession of by a non AFO **must** be immediately placed within a ballistic bag and stored securely at a Police Station until an AFO can attend to make it safe. It is highly likely that increased provision of ballistic bags will be required as currently each division only has one bag which is retained by the Firearms Licensing Staff and not routinely available to operational staff. Further updates will be provided when available.
- **Winter clothing** (regarding snow gate responsibilities – only applicable to J Division in the East Area) – unacceptable delay in providing officers with this personal issue kit and primarily due to poor communication within PSoS regarding budgets etc. Now resolved with the assistance of the SPF, albeit winter is now almost over.
- **Health & Safety Meeting Structures** – for some time now the SPF have highlighted the lack of Health & Safety Groups and meeting structures across the Force, including the East Area. On a positive note Stephen Clark reported that all four Divisions in the East Area now have active Divisional Health & Safety Groups, with meetings having taken place in recent weeks. The Divisional Groups are feeding into the East Area Health & Safety Meeting which was held in November, 2018 (after an absence of 15 months - meetings should be held quarterly). The structure is that the East Area Health & Safety Meeting feeds into the National Health & Safety Board meeting that is chaired by DCC Taylor.
- **Naloxone** – SPF concerns and objection regarding the issue of this medication to Police Officers in Scotland for administration on members of the public who are suspected of having taken an opioid drugs overdose remain serious and significant. The current PSoS position is that Naloxone has **not** been approved for carriage by officers. The subject of Naloxone remains under review and a short life working group that includes the SPF continue to meet to discuss – for continued monitoring.
- **Throw lines** - 2 x failures in this piece of equipment in the North Area, whereby one line snapped during a deployment and the other line failed to deploy

correctly. PSoS Health & Safety Team are currently carrying out an investigation, including independent testing. The SPF are monitoring this issue and further updates will be provided when available.

- **Footwear** – the short life working group that was set-up to look at this issue has since completed a report with recommendations and it is to be presented at the next Health & Safety Board meeting in April. The SPF understand that PSoS Senior Management have apparently acknowledged and accepted the organisations legal responsibility to provide suitable footwear to **all staff** in terms of the provision of work equipment. The Health & Safety Team are working on a Risk Assessment that will inform and specify the types of footwear required. Further updates will be provided as this piece of work progresses.
- **Health & Safety Training for PSoS Senior Managers** – the SPF have organised and paid for a training for PSoS Senior Managers via an external, private training provider. The one day training is being held on 27 February at the SPF Office in Dundee and fourteen PSoS Senior Managers (Superintendents/Police Staff equivalent and above) are in receipt of Health & Safety Training/Awareness. It is hoped that this will prove beneficial to the individuals, the organisation and staff alike. If successful the provision of further such training will be considered.

d) **CONDUCT**

The Deputy Secretary informed those present that the SPA Complaints and Conduct Committee meeting was held on 13 December 2018. The report issued at the meeting had been circulated and gave a considerable amount of detail in respect of complaints against the Police.

The Committee were asked to highlight issues in their divisions with dealing/handling of CAP's.

Conduct Representatives were reminded that they should now be linking in with their respective Divisional PSD SPOC's.

Divisions are being asked to contribute to the Scottish Government Instructed Review into the handling of complaints against the Police, investigating serious

incidents and alleged misconduct which is being conducted by Dame Elish Angiolini QC. The Committee were encouraged to contribute, if asked to do so, and to feedback to herself.

PIRC – Amanda Givan, Assistant to General Secretary for Conduct, met with both the Head of Investigations and Head of Review and Policy on 13 November 2018, when the issue regarding the length of time it takes to obtain witness statements was again raised. They have stated that interviews are more frequently carried out now due to the poor quality of Police Officer statements. This may be due to the officers not being fully appraised of the circumstances relating to the meetings despite this being forwarded to the SPOC! The Committee were reminded that they were to make her aware of any issues they had within their divisions to enable her to raise these nationally.

The new East Area Conduct Committee have been appointed for the next four years and training will start imminently. As there is now no definite limit to the number of Conduct Trained Representatives the East Area can have, those present were informed that **anyone** willing to commit to being a Conduct Trained Representative should make themselves known to her however, she repeated that there was no point volunteering unless they could commit to taking on some workload within their respective areas.

The Deputy Secretary reiterated her request that all members in need are signposted for advice on **all** related matters to a **Conduct Trained Representative** and that they should let the officers within their divisions know who they are and what is available to them should they find themselves requiring assistance.

The SPF website contains information on most subject matters but is still vastly underutilised.

e) **EQUALITY**

As per circulated update, the issues discussed were:

- Ongoing litigation issues with Force
- Cases ongoing and out of court cases
- Pre-New Training Package regarding officers flexible working and half/nil pay
- Information and updates will be sent to Equality Leads

f) DIVISIONAL UPDATES

“C” Division – David Reid informed the Committee that the “C” Divisional Representatives had had a constructive meeting with the Command Team. Topics discussed had been as follows:

- Holsters for TASER Officers (individual holsters requested)
- Sergeants vacancies on groups
- Resource Finance Issues – Hogmanay Staffing at Alloa
- RDU’s and their lack of planning ahead
- Inconsistency regarding football matches, leaving streets short
- Hospital Watch
- Operation Einstein – old firm – CID Departments Out – ask to look at the demand and profile
- SC06 call management and Sergeant cover
- Overall positive meeting.

“E” Division – Stevie Neilson informed those present that no further meeting had taken place. The next divisional meeting is due to be held on 11th March 2019.

“J” Division – Michelle Ritchie and Jim Morrison attended a meeting held on 7th December 2019 when the undernoted was discussed:

- Questions regarding SPF Coffee Machines
- Blue light training for probationers
- OBL’s – extra posts discussed regarding funded officer posts possibly being clawed back
- Concern regarding TDC Programmes
- Wellbeing feedback – CID feeling isolated
- Vehicles – Repairs to Newbridge
- Health & Safety – Regarding signage and messaging
- Poor signal at St John’s Hospital
- Booster for Dalkeith
- Rank ratios – Regarding Inspectors and Chief Inspectors
- Jobs not being advertised and total lack of transparency

“P” Division Graham Ross updated the meeting. Topics discussed were:

- PNC issues discussed regarding Constables not comfortable going off channel off point and arguing with Controllers. Apparently bosses not aware of this.
- Multi channelling problems
- Sergeants going to log issues to be fed up line to the Chief Inspectors
- Stay Safe Message – officers attending grade 1’s and not being able get anyone due to stay safe garbage messages which, for safety reasons, require to be condensed
- Carrying over Annual Leave days
- Rosters – 7 day working continues – rosters not amended
- Email regarding Fleet – informed Fife 4 pool vehicles to dish out when needed with 18 vehicles off road!

(g) MAJOR EVENTS

The following major events are due to be held within the East Area:

- Brexit
- Summer City
- Queen Elizabeth Ship into Rosyth 04.04.19
- Football Matches

7 NEW BUSINESS

The Committee were informed that they would be contacted with the dates for the SPF Basic Training in due course and that once received, they should reply at their earliest convenience to secure a place on their preferred date.

The Chair informed the Committee that this had been Willkie McCloskey’s last meeting prior to his retirement with his last working date being 27th March 2019. He went on to extend his thanks for all the support and effort Willkie had afforded the membership over the years as a Representative on the Committee and at JCC.

8 DATE OF NEXT MEETING

The next meeting will be held on Wednesday 5th June 2019.

9 CLOSURE OF MEETING

The Chair thanked everyone for attending and for their valued input into proceedings.

He wished everyone a safe onward journey home prior to formally closing the meeting.

Grant McDowall
Secretary

Andrew Malcolm
Chair