



Scottish Police Federation East Area Committee

Minutes of the Third Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 29th August 2018 within The Houston House Hotel, Uphall, Livingston, EH52 6JS

1 OPENING OF THE MEETING

The Chair welcomed everyone to the third meeting of the East Area Committee in 2018 and thanked everyone for attending. He encouraged all to take an active part in the meeting and said that anyone wishing to speak should indicate through the Chair in the usual manner. A minutes silence was observed for the tragic loss of a colleague, Constable Rhys Prentice.

Standing Orders were in place and the meeting was declared open.

2 ATTENDANCE

Inspector Jim Thomson	C - Forth Valley
Inspector Mark Murphy	C - Forth Valley
Sergeant David Reid	C - Forth Valley
Sergeant John Burgoyne	C - Forth Valley
Constable Scott Callaghan	C - Forth Valley
Constable John Hay	C - Forth Valley
Constable Paul Redwood	C - Forth Valley

Inspector Allan Symington	E - Edinburgh
Inspector Norman Towler	E - Edinburgh
Sergeant Christopher Richardson	E - Edinburgh
Sergeant Quentin Russell	E - Edinburgh
Sergeant Scott Meechan	E - Edinburgh
Sergeant Mark Wilson	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh
Constable David Davison	E - Edinburgh
Constable Stephen Neilson	E - Edinburgh

Inspector Michelle Ritchie	J - The Lothian's & Scottish Borders
Inspector Andrew Toombs	J - The Lothian's & Scottish Borders
Sergeant Mark Sherman	J - The Lothian's & Scottish Borders

Constable Jim Friery	J - The Lothian's & Scottish Borders
Constable Darren Gallagher	J - The Lothian's & Scottish Borders
Inspector Ian Stephen	P – Fife
Sergeant Wilkie McCloskey	P - Fife
Sergeant Graham Ross	P – Fife
Constable Colin Nicoll	P - Fife
Constable Austin Barrett	P – Fife
Andrew Malcolm	Chair
Stephen Clark	Vice-Chair
Grant McDowall	Secretary
Heather Macdonald	Deputy Secretary
Jenny Shanks	West Area (Observer)
Phil Maguire	West Area (Observer)

Committee were updated that Liz Macleod and Stephen Kay had resigned.

3 APOLOGIES

Apologies were received from Inspector Peter Jones, Inspector Neill Whiteside, Inspector Hugh Loudon, Constable Richard Wood, Sergeant Richard Banks, Sergeant John McEwan, Constable John Brownlee, and Constable Stevie Herd.

4 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting held on Wednesday 6th June 2018 had been circulated and approved.

5 MATTERS ARISING

The Chair informed that the following items had been progressed and completed:

(a) JOINT CENTRAL COMMITTEE UPDATE

The JCC last met on Tuesday 21st and Wednesday 22nd August 2018 within the Dundee Office. The East Area Committee Representatives in attendance were Grant McDowall, Andy Malcolm, Heather Macdonald, Stevie Clark, Wilkie McCloskey and Paul Redwood, the latter attending as reserve on behalf of Stevie Herd. Also in attendance was Gordon Wasson from the British Transport Police. The Minutes of this meeting will be published on the website as a JCC Circular.

Legal Advice and Assistance - The Deputy General Secretary, David Kennedy reported on case statistics and updated the JCC on the following:

Held in Reserve - The Media have submitted freedom of information requests in respect of payments being made. Police Scotland are aware that they have not paid the totals officers were due and, this highlights the lack of understanding within PSoS of the true cost of policing and reflecting the regulatory payments that members are entitled to.

To date the total value of claim is not known as processing of claims is still ongoing. A further meeting is scheduled with PSoS where the SPF will provide their opinion and perspective. The cut off period is currently a rolling 5 years.

ALLARD - It is hoped that a settlement maybe reached by the November JCC. Information is still being received in relation to samples which can be progressed via the Actuaries. The total value of the claim is likely to exceed the Held in Reserve Case. Some claims are likely to be subject to additional tax implications due to the settlement being reached within one financial year.

HOLIDAY PAY - It was reported that we are close to reaching a settlement however, we are unable to provide further detail around this as it has yet to be agreed. A meeting was held with legal teams and PSoS, and is hopeful that a settlement will be provided for both historic claims and future claims in relation to leave. This will be progressed all being well paid by the end of the year. It is being presented to SPA for approval and meets the expectations of the SPF. This historic element is applicable to those who made claims only. It may be the case that any officer who regularly receives overtime **may** be entitled to claim for estimated overtime payments and this will be decided in the near future.

An update was given on the Legal cases currently being undertaken.

Police Negotiating Board - There has been no meeting of PNB since last JCC. As you may recall this used to meet 4 times annually around the time of the JCC, however, they now meet 3 times annually therefore, falling out with our JCC dates.

Pay - Position remains precarious with the initial optimism on the settlement reducing. The settlement offered exceeds that offered to England and Wales however, is not what was asked for. SPA are keen to move to a settlement date following the financial year of April, which means that a 19 month agreement could be offered.

We are currently making arguments on pay half way through a financial year which often creates its own pitfalls. The Official Side are offering 12 and 19 month settlement figures with the potential of a 31 month deal.

Professor Bob Elliott, the previous advisor for PNB in relation to deals with low pay etc has been engaged by the Staff Side and he has advised that the offer for 31 months is not an attractive one, the 12 month offer has the focus of their attention.

The Committee were reminded of the need for a united front in relation to pay and there was general discussion regarding expectation.

Operation Roll – This continues to be problematic. Legal opinion was sought and we were advised that the exceptional nature of POTUS visit was unique as Police Scotland were totally unaware of his itinerary until his arrival, which posed problems. EAC Circulars advising the Federations position were circulated, however, the legal position received was that, due to the nature of the event, recognition would be made that officers would be disrupted due to the unique nature of the visit and protests.

What we cannot forget is that after PSoS adopted the position that no one would be paid as the memo was notification. We argued this point and on the 16th November 2018 when ACC Williams issued PSoS memo 114/2018, which now provides that, where a member of the Force Executive has given approval for the re-rostering of rest days to meet the demand of an event, two processes currently exist across Police Scotland to inform officers of the decision.

We have succeeded in thousands of officers being paid who were able to show they were not demonstrably aware of the memo, without having a protracted fight through the courts.

The Committee were reminded of the requirement for officers to be demonstrably aware of a duty change occurred when they received the notification - not when it was sent or, circulated on an intranet system.

International Deployments – This is being discussed at the Technical Working Group Deployments Abroad, which are undertaking commercial activities on behalf of the Service and others who are involved in investigation of crimes. As crime moves worldwide this is likely to be more prevalent.

Pensions – An update was received from the Vice Chair. There has been no meetings of the Pension Board which is next due to meet in September.

Annual Benefit Statements should be provided in September with accrual to date, this provides an indication for those in the 1987 Scheme however, and this cannot provide a prediction for the CARE Scheme. This is important information particularly with regard to tax and other elements. The Committee were asked to advise all members to keep this copy as opposed to just placing it in the bin due to its importance.

There have been issues around compliance with regard to ABS and we are aware of the failures in the system (last year was 92%). This was planned to be 100% for 2018, however issues have been discovered in the application of certain taper dates involved in the pension transition. 54 people have been identified as having the wrong date as a consequence of Career Breaks and this is currently being addressed with manual calculations. Any issues officers have can be addressed with the SPPA via the Area Office.

General discussion on the pension provision was had and members were reminded of the significant benefits within the Scheme not least provision for injury which may result in retirement.

Pension Practitioners Meeting - The Pensions Regulator provided an update and insight into their work however, it is questionable whether this is effective or not.

Scottish Police Authority - They are becoming more strategic and discussions have taken place with the SPF formulating a lot of changes. A number of Committee's have been disbanded and the SPA are moving forward in the manner in which it was intended. The Chair is keen to move the SPA in the right direction with regular dialogue with the Executive of the SPF.

Scottish Police Budget and Financing - Nothing to report.

JOINT NEGOTIATING CONSULTATIVE COMMITTEE

There is an anomaly in the current arrangements for pay particularly effecting those on promotion and this was discussed. The Chair has instructed People & Development to resolve this and the work is ongoing.

The Force appear to be integrating the pay issues in respect of this which is at best 3 matters, post April 2017, between April 2013 and 2017, pre 2013.

Dog Handlers Allowance & Expenses - A presentation made by Superintendent McGuire, was not applicable for JNCC but more a matter for PNB. The paper was not compliant with Regulations showing the inconsistency within the Force.

The Force are clearly trying to circumvent discussions which had been ongoing for some time by trying to disrupt a unified approach and using meetings out with PNB to obtain agreement. The next meeting is due in September 2018.

Working Practices Review Board - There are a number of issues around current patterns under the new Work Force Agreement, the volume of work involved in the WFA and implications of not addressing resourcing rendering them unworkable.

The issue of resourcing is not being addressed by the Force with Divisions paying shortfalls and flaws in the deployment plan. The interpretation of the WFA being applied by the Force, particularly RDU's, and the failure to apply Part 14 of the current agreement. The Review Group on which both Andy Malcolm and Grant McDowall sit, is scheduled to meet on 30th August in Glasgow in an attempt to resolve this blatant breach of the agreement.

SOP Review Group - This Group which started in 2016 has made little to no progress. ACC Speirs who is now leading on this is keen to simplify policies to a page with the realisation that the current policies are not fit for purpose.

PODG - LNCC - This Group was previously the LNCC, where decisions could be made prior to being taken to JCC. This was chaired by ACC Higgins with all other ACCs either in attendance, or being represented. Updates were provided on Remote and Rural Deployments, particularly in the North and West with options being considered and need for consultation.

Stop Search - Force update on this, reduction from 600000 to 30000, this included searches under warrant. Perhaps this highlights the abuses of the past and the target culture that was applied. It was highlighted that the practice of blaming SPF for all the Force problems should cease. Issues and challenges in relation to the deployment of Taser/ARV as a result of this a Review Group has been set up with the SPF forming part of this group. This should encourage a learning environment around deployments and actions considered.

IVPD - Creation for on duty incidents and a desire for removal from the database as this is only recorded for statistical purposes. There is no need for this to be entered onto this database.

2026 - Professor Linda Duxbury provided an update on the Carleton University Research Project advising that over 5000 responses had been received. There were 12000 comments, 4000 suggestions and 3000 akin to essays.

The results are unpleasant for the Service and appear to indicate the Service are not ready to commence any future planning for changes. It advises that they should concentrate on the here and now affecting officers. This input was provided to the Force Executive on Wednesday 22nd August at the Scottish Police College.

Neil Dickson, Director of Transformational Change updated those present informing that this was amber and there was a prioritisation issue in terms of resourcing rather than finance. Both SPF & ASPS questioned the projects impact on resourcing and, the reverse engineering to remove officers. Updates on staff being removed from Divisions rather than the promises around corporate promise of 300 officers are not being met.

DCO Page admitted that there were projects ready to go however, they were being stalled due to bureaucracy that requires repeated business cases to enable finance to be provided. The National Network is to be upgraded.

PDA – needs to be on the Adelle Program, possibly in D Division. There is a desire for officers to potentially take home which was removed however, Project Management delayed this as they wanted a different business case and financial model which, has now cost more money.

Digital Strategy – 206 million pounds and double counting ongoing! It is believed that they are intending to use Consultants under unallocated budget which reflects the exorbitant costs including PDA and Mobile Data.

Speed Awareness – Diversionary measure which is undeliverable due to affordability. This is a Scottish Government and Crown Project which cannot be supported or stopped by the Force.

Drones – it was questioned why this being progressed therefore this has been paused.

Cyber Kiosks – these will be introduced. A SOP has been received, triage facility for digital examinations on phones.

Payroll – these are converging in terms of operations with e pay lines being rolled out.

Demand & Productivity – Review of resourcing and ongoing work, consultants leading on this.

KAMS – This project has commenced however, there are no updates to date.

Stakeholder Engagement Team – Have a network of volunteers and have spoken to 1,003 staff receiving favourable comments. They claim they have solved driver training; officers being used for ambulance calls; the TASER guidance; vehicle management and replacement wellbeing with the poor provision of food and water also being addressed by them.

Criminal Justice Board – Last met on 31st July when they presented their proposed business case. Funding has been curtailed due to other projects.

CJ Hub opened at Falkirk – there were issues with opening at weekend due to communication issues. 12 hour shifts have been introduced for civilian staff and UNISON are not happy at the consultation and introduction as staff agreed out with their union. This is a position that will not be endorsed for Police Officers.

Productions – there has been difficulties in recruiting staff, potentially due to use of temporary contracts.

The Vice Chair gave a full update on **telematics** including the cost and the background to its purchase. The SPF have no problems with its use for asset management (although this is an extremely expensive method), it had no problems with its use for accident investigation, **but had serious concerns** about its use for surveillance in criminal or conduct cases. A memorandum of understanding is being considered to ensure that telematics will not be used in surveillance, criminal or conduct cases. It appears that it is totally unfit for purpose and as such, the Committee felt that this was a huge waste of time and the Force are being asked to stop the process thus saving £900,000 which could be used elsewhere.

Integration of BTP - The Committee discussed various issues relative to the Integration of BTP. There is an obvious frustration for BTP Officers and from the sounds coming from the Scottish Government, this should be paused or stopped completely.

b) FINANCE

Chair provided an update on the Finance Standing Committee which was held on 1st August 2018. There was a general review of SPF Finances and a recommendation was made for SPF to sponsor the Review of Psychological Wellbeing at the PTC.

c) OPERATIONAL DUTIES

Update was provided in relation to ongoing issues within the Force including impact of the apprenticeship levy (0.5%) of total staff bill goes to Apprenticeship Programme the Force desire is to use this money in relation to Probationer Training and link it to an Apprenticeship Programme. This was discussed at length and alternative proposals were muted.

An update was provided on the diploma, application process and Sergeant to Inspector promotion process. General discussion and Work Force Agreement issues including the impact of rank ratio and lack of development opportunities for officers as a consequence of financial cuts. Impact of Mutual Aid deployments was discussed and future considerations in relation to Brexit and VIP visits.

d) HEALTH & SAFETY

Update was provided by the Vice-Chair which included:

Quentin Russell – Identifying First Aiders within the working environment
Stephen Neilson – Issues with body armour and officers sharing

The Committee were reminded that body armour is personal issue and **must** be measured by trained personnel who are generally based within the Stores Department. General discussion on life expectancy of body armour and the need for annual checks to be completed also took place.

Graham Ross – raised the issue of the proposal to merge channels within P and C Divisions and generalised roll out of PNC Channel reminded of need for risk assessment which was being progressed by the Force. This required to be monitored if implemented and areas where safety was affected should be reported on Near Miss Forms and the Area Office updated accordingly. The Area Office would be monitoring the airwave usage of the new merged channels. General discussion on hats issued to male and female officers.

e) **CONDUCT**

There have been two Gross Misconduct Hearings since the last East Area Meeting, the first of these resulted in a Final Written Warning and, unfortunately, the latter in dismissal without notice. There have been two meetings, resulting in written warnings for both cases.

One officer recently had his criminal case found proven at Court for a Section 38 however, given an absolute discharge. They will now commence the Misconduct Proceedings, likely to be Gross Misconduct. There are still three officers suspended in the East. In relation to applications for Criminal Legal Advice and Assistance there have been five for on duty matters and nine off duty matters.

Complaints against the Police - Nationally it has been a struggle to get exact stats from PSoS to ascertain if these are going up or down. There is very good advice on the SPF website in relation to the requirement to provide Operational Statements for CAP's, a reminder being that you can be required to provide one but, the content of the statement is entirely up to the individual. As always, if anyone needs specific advice that a local Federation Representative cannot assist with, they should contact Heather Macdonald at the Livingston Office.

Those in attendance were reminded to ensure that members are aware that 4 CAPs will trigger someone coming to speak to the officer to make them aware and discuss if there are any underlying issues.

On the 19th June, Michael Mathieson announced there was to be a wholesale review of Complaints against the Police and appointed Dame Elish Angiolini. They are also looking at the potential to be able to deal with Retired Officers for historical misconduct matters, which is not currently allowed.

Communication with PIRC is still ongoing with the Assistant to the General Secretary (Conduct) – Amanda Givan, making some real progress in this area. She has met with Mr McSporran on 24/7/18. One issue once again raised is the length of interviews, his reasoning is the lack of quality of the Operational Statements, therefore, it is easier to go out and note a full statement. They have also taken on 18 additional staff with the extra funding received.

An increasing issue highlighted is the lack of notification to officers when arranging PIRC interviews. The Committee were asked to please make members aware that they are entitled to have someone present and, reasonable time to arrange this must be given. The Deputy Secretary reiterated her request to ask those involved in conduct matters to report any issues/concerns around PIRC to herself to thereafter be passed on to Amanda Givan.

There are still several on-going live PIRC enquiries in the East Divisions and as this can be an extremely difficult time for our members, even in the less serious of cases, the Representatives present were reminded to please make sure they fully supported these officers where possible in all circumstances and ensure they were getting the appropriate advice.

Conduct - DCC Fiona Taylor, is the newly appointed designated officer for conduct who had been in the Metropolitan Police for some years, where the regulations are very different, i.e. their Hearings are open to the public.

27% of cases that are assessed by PSD Nationally are returned by them to divisions as no action required. Very few, are returned for Performance Regulations, something that we are still banging the drum about being underused.

Performance - There have been some issues raised that Line Managers are not being trained or supported by PSoS to actually use these Regulations. However, this is a Police Scotland matter and one that the SPF will not be pushing them to rectify, albeit they acknowledge the issue for our members involved.

Police Appeals Tribunal - The wheels of the PAT move ever slowly! There is one case ongoing for the East which, is a point of principle that may affect members in the future. There have been no officers reinstated in any PAT since 2013, which totals 8 officers. The PAT is chaired by a QC with two further solicitors.

Training - At our most recent JCC Conduct Meeting, the Deputy General Secretary was not impressed at the lack of attendees of the Conduct Leads within each division. This is a duty parade, if the Lead Representative in any division is unable to attend then it is their responsibility to arrange the backup Representative. This system is to provide necessary training to the Conduct Representatives to better enable them to help our members.

Summary – The Deputy Secretary reiterated her request to all present that our members are signposted to a Conduct trained Representative for advice on **all** related matters and that all Representatives ensure that in their divisions, our members are aware of who they are and what is available should they find themselves in any situations requiring our help.

f) EQUALITY

As per circulated update. It was highlighted the increase in Grievances in specific areas within the East Area which focused on potential discriminatory practices. Update was given on recent case law in particular *Mair v PSoS* which focused on flexible working applications. The Committee were reminded that the organisation is a 24/7 large employer with lots of opportunities to potentially meet the requirements of members.

Norman Towler raised an issue regarding trousers and potential discrimination involving a member advised to raise the issue directly with the Chair as it cannot be progressed in generalisation.

g) DIVISIONAL UPDATES

“C” Division - David Reid provided an update following a recent meeting with the Divisional Command Team. There were general discussions around Operation ROLL, Creation of New Custody Hub and Falkirk and TASER availability. Issue around Sergeants posts had been discussed and the Force taking appropriate action. Ongoing issues around application of Work Force Agreement particularly rostering practices being implemented within the Division were highlighted.

“E” Division - Stevie Neilson provided an update following a recent meeting with the Command Team. Issues around Work Force implementation were discussed and Command Team were aware of the full implementation date of 31st October however, highlighted that this may not be achieved. A secure cabinet is now available at St. Leonards for TASER. General discussion re officers work load, advertisement of overtime and vehicle safety.

There had been a recent asbestos exposure which the Chair had been involved in and an update was provided regarding the potential impact on officers.

General discussion regarding availability for diploma and use of Acting Ranks.

“J” Division - No meeting had taken place however one was scheduled.

“P” Division - No meeting had taken place however one was scheduled

h) MAJOR EVENTS

Update was provided on operation Moonbeam (Fireworks) this involved a national deployment across the central belt and included the recommendations from the SPF Report following the incidents in November 2017.

Football issues were discussed including resourcing and increased use of pyrotechnics by fans. There is ongoing work in relation to pyrotechnics at a national level and this issue had been highlighted at the 2017 Conference in an East Motion.

6 NEW BUSINESS

There was no new business.

8 COMPETENT BUSINESS

There were no items of competent business.

9 DATE OF NEXT MEETING

The next meeting will be held on Wednesday 5 December 2018.

10 CLOSURE OF MEETING

The Chair thanked everyone for attending and for their valued input into proceedings wishing everyone a safe onward journey home thereafter formally closing the meeting.

Grant McDowall
Secretary

Andrew Malcolm
Chair