



Scottish Police Federation
5 Woodside Place Glasgow G3 7QF

**Joint Central Committee
Conduct Subject Committee**

Ref: CS/DJK/KB

19 January 2016

MINUTES

1. Attendance

| | |
|--------------------------|----------------------------------|
| North Area Committee | John Crawford |
| North Area Committee | David Threadgold |
| East Area Committee | Amanda Givan |
| East Area Committee | Stevie Herd |
| East Area Committee | Scott Meechan |
| West Area Committee | Gary Mitchell |
| Chairman | Brian Docherty |
| Deputy General Secretary | David Kennedy (meeting Chairman) |
| Conduct Secretary | Jim Foy |
| Business Administrator | Lesley Stevenson |

Apologies were received from Stuart Finnie, Andy Smith and Sandy Smart.

2. Opening of Meeting

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

The SPF Chairman attended the meeting to give an update on a letter the General Secretary had written to the Justice Committee regarding the Counter Corruption Unit. A general discussion took place and the matter is ongoing.

3. Minutes of Previous Meeting

The Minutes of the previous meeting had been circulated with JCC Circular 50 of 2015 and were approved.

4. Legal Assistance

The Conduct Secretary confirmed that there had been 38 criminal cases submitted since the last meeting on 29 September 2015.

The Deputy General Secretary explained that the new procedure for access to legal advice and assistance went live on 1st October 2015.

It was reported that until now, the Deputy General Secretary and National Conduct Secretary had performed the on call facility and that it appeared to be working well with no significant issues.

5. Complaints against the Police

The Conduct Secretary told the Committee that he had attended a Complaints and Conduct Sub Committee meeting on 26 November 2015.

He stated that the total number of complaint cases recorded by Police Scotland in the financial year to date was 3390, an increase of 44.6%.

The number of complaint cases in the North increased by 9.1%.

The number of complaint cases in the East increased by 47.2%.

The number of complaint cases in the West increased by 65.6%.

The total number of allegations recorded in the financial year to date was 4795, an increase of 14.3%. These rises were as a direct result of all complaints now being recorded by front line resolution and should level out next year.

6. Conduct

The Conduct Secretary said that the total number of live cases being monitored by the leads was 347. There were 55 in the North, 76 in the East and 216 in the West. It was noted that the West figure may be higher due to an ICT problem.

He informed the Committee that there remained significant issues in respect of many investigating officers' lack of skills/knowledge in statement taking, exculpatory evidence gathering, lack of awareness of what constitutes misconduct and a lack of understanding regarding process and regulation. Particular attention should be paid by representatives to statements gathered to ensure that do not contain unacceptable hearsay or opinion. There is a lack of force guidance on these issues.

There will be ongoing dialogue with PSD regarding these issues and further training will be sought.

Since the last meeting there had been three hearings in the East area, two hearings in the West and none in the North. Three officers were dismissed, one was found not proven and one had two increments removed. One officer in the North resigned prior to a hearing taking place. There are several pending hearings in each area. Divisional representatives who are conduct trained should now be dealing with misconduct meetings where it is a plea in mitigation.

The Conduct Secretary informed the Committee that he was working on a document seeking changes to the 2014 Conduct Regulations in relation to several areas. These includes timescales in responding to allegations, allowing the Deputy Chief Constable more scope for referring matters to be dealt with as an improvement action and allowing all

matters in future to be dealt with under the new regulations, avoiding duplication of process.

There remains a significant issue in relation to members providing responses to allegations prior to seeking federation advice. No submission should be made prior to speaking with a conduct trained representative.

7. Performance

It was noted that the Performance Regulations remain under used with divisions opting to take the conduct route. It was anticipated that would change in the short term but representatives should be mindful of a lack of understanding on the performance regulations and to ensure guidance was followed when dealing with members.

8. Police Appeals Tribunal

The outcome of one appeal was awaited and there was another with PAT.

9. Police Investigations and Review Commissioner

There were currently eleven ongoing investigations.

The Conduct Secretary said that at recent conduct meetings some members had praised the work of individual PIRC officers in being helpful with noting statements, however, concerns remained over the approach of some investigators and these should be collated and brought to the attention of the Conduct Secretary who would in turn raise them directly with PIRC.

Following a previous action by the Conduct Committee, the Conduct Secretary prepared a short guide to PIRC powers and forwarded it to office bearers which can now be circulated to all representatives for their information.

10. Longevity of Warnings

The Committee was asked to submit any examples to the Conduct Secretary in order that he could raise the matter with DCC Richardson.

11. Competent Business

The Conduct Secretary told the Committee that he had a meeting the following day with a member of the Counter Corruption Unit to discuss a proposed 'Re-integration' Programme. Members discussed this and it was agreed that it was not something the SPF would want to sign up to. The Committee will be updated of any developments.

The Conduct Secretary said he attended recently gave evidence in court on a matter concerning the re visiting of allegations that were not proceeded with by the crown office. The court decision on the matter is due soon and could have repercussions in the advice we give to members being dealt with for misconduct following a crown decision not to proceed. This will be re-visited and brought back to the Committee.

12. Closure

Date of next meeting: 12 April 2016

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