



# Scottish Police Federation East Area Committee

## **Minutes of the Fourth Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 2<sup>nd</sup> December 2015 within Bathgate Golf Club, Edinburgh Road, Bathgate, EH48 1BA**

### **1 ATTENDANCE**

Inspector Andrew Malcolm	C - Forth Valley
Sergeant Mark Westmorland	C - Forth Valley
Sergeant Murray McKenzie	C - Forth Valley
Constable Paul Redwood	C - Forth Valley
Constable David Reid	C - Forth Valley
Constable Scott Callaghan	C - Forth Valley
Sergeant Stephen Clark	P - Fife
Sergeant Wilkie McCloskey	P - Fife
Sergeant Graham Ross	P - Fife
Constable Austin Barrett	P - Fife
Constable Colin Nicoll	P - Fife
Constable Stevie Herd	P - Fife
Inspector Allan Symington	E - Edinburgh
Inspector Heather MacDonald	E - Edinburgh
Sergeant Norman Towler	E - Edinburgh
Sergeant John McEwan	E - Edinburgh
Sergeant Gordon Dixon	E - Edinburgh
Sergeant Scott Meechan	E - Edinburgh
Constable David Stupart	E - Edinburgh
Constable Richard Wood	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh
Inspector Andrew Elliot	J - The Lothian's & Scottish Borders
Inspector Andrew Toombs	J - The Lothian's & Scottish Borders
Constable John Brownlee	J - The Lothian's & Scottish Borders
Constable Christine Murphy	J - The Lothian's & Scottish Borders
Constable John Brownlee	J - The Lothian's & Scottish Borders
Constable Neil Elder	J - The Lothian's & Scottish Borders
Grant McDowall	Secretary
Amanda Givan	Deputy Secretary
Brian Jones	Chair
Nigel Bathgate	Vice-Chair

### **GUESTS**

Jim Foy	SPF Conduct Secretary
Andy Goodwin	Crime Corruption Unit
John Patterson	Crime Corruption Unit

## **2 OPENING OF THE MEETING**

The Chair, Brian Jones, welcomed all those in attendance to the Fourth Quarterly Meeting of the East Area Committee.

The Chair then addressed the Committee saying that Graham Capes had decided to stand down as an East Area Representative. Graham had served as a Federation Representative on both the former Central Scotland Joint Branch Board and the East Area Committee and represented the Inspecting ranks on the Joint Central Committee. The Chair wished Graham all the very best and good health for the future.

He next went on to remind the Committee that as there was an extensive agenda to get through that **all** points or issues **must** be directed through the Chair allowing everyone who wished to participate the opportunity to do so.

The meeting was then declared open.

## **3 APOLOGIES**

Constable David Davison	E - Edinburgh
Sergeant Neil Spowart	E - Edinburgh
Sergeant Mark Sherman	J - The Lothian's & Scottish Borders
Inspector Michelle Ritchie	J - The Lothian's & Scottish Borders
Inspector Hugh Loudon	C - Forth Valley
Inspector Iain McGregor	C - Forth Valley
Inspector Fraser Downie	P - Fife

## **4 MINUTES OF THE PREVIOUS MEETING**

The minutes from the previous meeting held on 2<sup>nd</sup> September 2015 had been previously circulated to the Committee. The minutes were agreed and thereafter recorded as a true reflection of the meeting. (Proposed John McEwan and seconded by Amanda Givan).

## **5 MATTERS ARISING**

### **(a) JOINT CENTRAL COMMITTEE**

The last meeting was held on 3<sup>rd</sup> and 4<sup>th</sup> November 2016 at Dunblane the minutes of which would be placed on the SPF website when ratified. In the meantime Grant McDowall updated the Committee on the following:

#### **Police Negotiating Board**

The claim regarding rest days and working days during a period of annual leave is ongoing. This claim relates to the current agreements where rest days are not compensated in the

same manner as annual leave days. The SPF position is that any day during a period of annual leave should be compensated in the same manner.

The pay increase of 1% from 1<sup>st</sup> September 2015 will also include an uprating of on call and Plain Clothes Allowance of 2%.

The statutory instrument regarding the creation of PNB in Scotland is still awaited with the delays being due to parliamentary schedules however, the body is working as it should meantime.

There was no substantive update on pensions. The SPF is represented on a Pensions Committee by David Hamilton, Chair of the North Area Committee, this oversees the work of the Scottish Police Pensions Authority (SPPA).

In respect of pensions, it is anticipated that Pension Statements will be issued to all officers in the next two months. The Secretary reminded the Committee that pensions are a personal matter and as such Federation Representatives **cannot provide advice**. If officers have any queries it is important that they contact PSoS Pensions Department or SPPA directly.

An agreement was made to establish a Technical Working Group regarding exigencies of duty. It is hoped that a meeting for this will be arranged prior to Christmas.

### **Scottish Police Consultative Forum (SPCF)**

The last meeting of the forum was held on 29<sup>th</sup> October 2015 prior to PNB. Attendees at this forum and PNB are one and the same therefore, both meetings are held on the same day. The meetings also share the same Independent Chair and Secretariat. The new Chair is Ian MacKay.

No consultation had taken place with the SPF with regards to a decision taken by PSoS to allow officers being able to join the Service with no driving licence. Under Regulations there is no requirement to be the holder of a driving licence and the SPF will progress this through the proper process.

Discussions are ongoing regarding Working Time Regulations which relate mainly to the Superintending ranks but also impact on the Federated Inspecting ranks. This was discussed separately at the Inspectors meeting.

### **Scottish Police Authority (SPA)**

The General Secretary and National Chairman met with Andy Flannigan the new Chair of the Scottish Police Authority. The main concern for the SPA at this time being the selection of the new Chief Constable.

The Secretary informed the Committee that it would be beneficial if they read *The Policing Review Report* by Graeme Pearson, Ex Head of SDEA and currently the Labour spokesperson for Justice.

The SPA priority has always been to protect take home pay and pensions therefore, the Secretary urged the EAC Representatives to ensure that the wider membership is aware of the current challenges being faced by PSoS.

### **Joint Negotiation and Consultative Committee**

The Secretary informed the Committee that due to potential changes in the Force Executive the meeting was cancelled until the new Chief Constable was in post. He then went on to inform them that the SPF would continue to push for this important Committee to meet to ensure there was no slippage on the work currently ongoing.

### **Police Charities**

The Police Treatment Centre met on 5<sup>th</sup> November 2015 at Harrogate, Jackie Muller, Heather MacDonald and Nigel Bathgate all attended in their capacity as Trustees.

The Convalescent Home is scheduled to raise its donation rate from January 2016 from £1.30 to £1.80 per week. This represents the first raise in the charity since 2011 and was introduced as a result of a reduction in officer numbers by 5000 in England and Wales since 2010 and also, to maintain its operating ability for the next four years. There are further officer reductions likely in England and Wales and a similar facility sponsored by the North West Police Benevolent Fund is in progress and will be in direct competition with the PTC.

### **Motions**

*The North Area Committee presented a motion regarding the issue faced by many of our members when the policing of commercial events incurs excessive rest days being accrued by our members. Currently regulations prevents payment where due notice has been given, so a proposal to have a regulatory change to allow payment where there is an agreement between the Chief Constable and Joint Central Committee was agreed as a claim put forward for consideration.*

### **Any Other Business**

The Joint Central Committee agreed to continue being members of Euro Cop.

In some Areas, letters of advance notification from the Force regarding change in pay status for officers off long term sick have been stopped, which causes difficulties to both our members and the SPF who need to ensure they are properly assisting officers on long term sickness absence.

The JCC participated in a workshop to highlight both good and bad practice. Unfortunately it was mainly the latter, however it provided useful discussion.

On Sunday 27<sup>th</sup> September 2015 the National Police Memorial Day took place in Edinburgh. All East Area Committee Office Bearers attended what was a very touching and emotional ceremony.

On Tuesday 3<sup>rd</sup> November 2015, the inaugural SPF Bravery Awards were held at Dunblane. This was attended by the recipients, their families, DCC Richardson and the Justice Minister. The media coverage of the events highlighted that Police Officers do extraordinary jobs.

## **(b) HEALTH & SAFETY UPDATE - 2 DECEMBER 2015**

The Chair, Brian Jones, advised the Committee that the East Area Health & Safety Committee had met on Tuesday 29<sup>th</sup> September 2015 at Livingston, the minutes of this meeting having been circulated. The next meeting of this Committee is provisionally scheduled for Tuesday 19<sup>th</sup> January 2016 however, this date may be subject to change.

The main topics of the agenda surrounded the re-introduction of throw lines to Police Vehicles following the Police Service of Scotland's decision to reverse its initial position to remove them. However, to enable re-deployment the equipment will have to be deemed to be fit for purpose with a review of available options.

Concerns have been raised regarding the effectiveness of PAVA and to address these concerns a national consultation was undertaken with our colleagues in England & Wales. There were no similar concerns identified either north or south of the Border and an urgent meeting was arranged with Senior Management, National OST Leads and the SPF to provide a process of reassurance. It was decided at that meeting that the National E-Learning Power Point Tutorial be re-issued along with practical training at Officer Safety Training Refresher Courses to provide further reassurance of PAVA'S operational qualities and abilities.

The Committee discussed the weekly examination checks of divisional vehicles, their kit and equipment and it was agreed this remain a standing item on Divisional Health & Safety Meeting Agenda's.

### **Resourcing Levels**

The Area Control Room at Bilston is still causing major concerns and the Committee agreed that the Health & Safety Secretary should write to Chief Superintendent Alan Speirs to obtain an up to date picture of current resource levels along with a record of **all** working time for **all** those working at Bilston. To date Peter Jones is still awaiting a reply!

The Joint Central Committee Health & Safety Subject Committee met on Tuesday 29th September 2015 at Woodside Place, the Minutes of this meeting have been circulated. The items addressed at this meeting were as follows:

DCC Richardson has agreed to facilitate training for all SPF Health & Safety Representatives to undertake training with Chief Inspecting Ranks, issuing a memorandum reminding all ACC's of the statutory provision in respect of appointed Safety Representatives undertaking their functions, in other words, being permitted duty time to carryout inspections and the like.

At a meeting of the uniform and PPE Working Group ACC Higgins agreed that the current National Notebook was **not fit for purpose** and a new notebook with a solid spine would replace the flip open type.

All Area Leads had now completed their IOSH Managing Health & Safety Courses.

All Divisional Headquarters in PSoS have now been inspected with reports sitting with Divisional Commanders to instigate improvements where required.

The East Area Divisional Headquarters were examined on Tuesday/Wednesday 27/28 October 2015, with all follow up inspections being carried out by Area Safety Representatives in early February, 2016.

The role out of Divisional Station Inspections will follow shortly.

Current ongoing live investigations in the basement at Kirkcaldy Police Station has a number of challenges with regard the storage of historical documents and other items which is of some concern. The resourcing levels at Bilston are being monitored constantly with a re-evaluation of some custody vehicles.

### **(c) CONDUCT**

Amanda Givan updated the Committee accordingly. The Minutes of the previous meeting had been circulated.

The new Legal Advice and Assistance process has been in place from 1<sup>st</sup> October 2015. The change sees legal matters covered by the Voluntary Fund as opposed to the DAS Insurers through the Group Insurance Scheme. Members will not see a difference and the solicitors will remain unchanged. She informed the Representatives that they should continue to let the Livingston Office know immediately of any problems which may arise going on to say that this was a very busy time in relation to Conduct matters and that she needed as many EAC Representatives on board helping as possible.

Investigations utilising The 2014 Regulations appear to be dealing fairly with officers as she has not heard otherwise however, if the Representatives hear anything different then they should let her know. Officers can elect to make a written response regarding 2014 Regulations and she would encourage that they get advice prior to putting anything in writing this advice would be bespoke to each individual depending on their circumstances. The 2014 Regulations differ regarding process and they are very time sensitive with timescale restrictions on responses. Amanda encouraged them to get in touch as early as possible.

January/February 2016 will prove to be an extremely busy time in relation to Conduct and she informed the Committee that an additional number of representatives were required to join the EAC Conduct Committee to assist. It was suggested that 2 Committee Members and up to 6 Reserves would be ideal to help with the heavy workload.

Jim Foy then addressed the Committee starting by thanking Amanda Givan for the staggering amount of work she does for the officers. He then reiterated that the Conduct Committee urgently needed voluntary reserves who would get full training on future courses.

Jim Foy would be putting a circular out to Office Bearers soon regarding the powers which PIRC had. He is hoping to hold training in the summer with 2 or 3 courses running over 3 – 4 days to ensure that Representatives have a sound knowledge of the regulations.

Investigating Officers are fair but there have been some occasions when it has become apparent that some gaps in knowledge are evident. Further training for Chairs and Investigating Officer's at PSD level. There is a lot of work to be done nationally.

#### **(d) EQUALITY**

The Vice Chair updated the Committee informing them the last Equality Subject Committee meeting had been held on 29 September 2015, the minutes of which had been circulated with Joint Central Committee papers but not yet posted on the SPF web-site.

The main points covered during this meeting are as follows:

Fitness Testing remains a long standing piece of work which the Force has been reluctant to engage with. The recruitment and probationer fitness testing is being reviewed under the Pathways to Policing Project. Other Fitness Testing for officers in service is still unclear and the Force have tasked a Chief Inspector to establish other areas where fitness testing is undertaken and supply the relevant Risk and Equality impact assessments.

The PNB(S) Equality Working Group met in August 2015 and the Police Circular 1/2015 has now been published which covers agreements in relation to the Children and Families Act.

Carry-over of annual leave following sickness absence and maternity is still in draft form although, the Force have claimed that it was normal practice.

Scottish Ministers confirmed that PNB Circular 9/2014 was agreed with Rest Days and Free Days treated the same for payment however, a circular is still awaited.

The issue of Rest Days and Free Days during annual leave remains a topic for negotiation and the SPF have sought Counsel Opinion.

The increase for Maternity Pay from 13 to 18 weeks is now the subject of a circular and applies for expectant mothers whose due date falls on or after 1 April 2016.

Further Basic Training Courses have been completed with each receiving Equality inputs.

The next East Area Equality Meeting will be held at Livingston on 4 January 2016 at 1000 hours.

Locally the East Area Circulars 33 and 34 generated some responses and have been forwarded to the Equality Lead to assist in future negotiations.

The Disability in Employment SOP is under review and was also circulated for comment.

A draft of the Equality and Human Rights Impact Assessment SOP will be going out for consultation and comments would be greatly received from the Representatives.

Optima and Occupational Health Provision remains a concern. Nigel Bathgate highlighted at previous updates the potential for Optima's failings to impact on officers and in recent days this has arisen in relation to servicing officers and officers progressing through ill health retirement.

The Vice-Chair had received assurances from Divisions that self-certification and all that goes with it will be treated on a case by case basis and there have been successful appeals for officers who have had their CRTP withdrawn under those circumstances. He was aware however that a significant number of cases do not get reported to the SPF.

The Representatives were asked that if they are dealing with any issues in the area of Equality to submit a brief e-mail to Nigel Bathgate so that a case file can be created and all relevant information can be recorded on the Database should it be needed in the future.

#### **(e) FINANCE**

The Finance Standing Committee met on Wednesday 30<sup>th</sup> September 2015 at Woodside Place where the Financial Accounts of the SPF were scrutinised and will be published in due course.

#### **(f) OPERATIONAL DUTIES**

The Minutes of the last Operational Duties Standing Committee Meeting held on 29<sup>th</sup> July 2015 have been circulated. The Secretary updated the Committee as follows.

The last meeting took place on 30<sup>th</sup> September 2015 at Woodside Place, Glasgow and the following topics were discussed:

A discussion ensued regarding the East using Special Constables for leads on rural crimes. The belief is this will upskill and retain Special Constables. This was brought up at a Special Constables meeting at Tulliallan on 8<sup>th</sup> September. However, concerns were raised by the Committee regarding this and emails were sent to the National Office Bearers voicing the concerns raised. The matter is being progressed.

There appears to be a gap with regard to Personal Development Reviews within the various Areas. The Chair of the North Area Committee pointed out there should be uniformity throughout the Service. To date there has been no Equality Impact Assessment carried out.

The Home Office is upset with PSoS in the way CBRN been rolled out and delivered. Scotland had put itself forward as a pilot for the Commonwealth Games. Memos have been sent out for officers to do an E- Learning Programme, which is held on the Police intranet. To date a number of officers have not completed programme.

It is hoped that a one day course will be arranged in the New Year with regard to Post Incident Procedures for all Office Bearers. This should help with the understanding of what to do for our members after a serious incident.

The West Area are currently looking at suitably trained officers to perform the role of Custody Officer. There appears to be no issues for the East.

The potential to pursue females searching males was discussed and passed to Equality Secretary for progression.

The Armed Police Monitoring Group have made recommendation that all officers should be allocated ballistic vests at the commencement of their training. The roll out to the Force would save £75,000 per year.

In relation to 3C an Improvement Board has been set up as discussed with HMI, with a meeting to be held on 8<sup>th</sup> October 2015.

#### **(g) LEGISLATION/REGULATIONS**

The last meeting took place on 30<sup>th</sup> September 2015 at Woodside Place the minutes of which will be placed online and circulated when verified. The following updates are of interest:

**Police use of search** - An Advisory Group has published a report in relation to police use of search. The Cabinet Secretary announced a code of practice and is looking to abolish consensual search. It was reported that on the day this progressed at rapid rate and surpassed where it was intending going. If code is insufficient Government have intimated they will consider changing it.

**Travel time** - It was agreed that Travel time for officers retained on duty or attending court on rest days is to be 45 minutes each way. This came on the back of discussions between Forth Valley RMU declaring that travel time should be 30 minutes.

The Chairman progressed this and after consultation with the National Office Bearers it was agreed that 45 minutes is the correct travel time which officers are entitled to. This information has been passed to all RMU/RDU's.

**Notification of cancelling rest days** - The practice of rest days being cancelled by a generic letter being placed on PSOS intranet was discussed. After discussion it was agreed that placing a generic letter online was not sufficient notice of cancelling an officer's rest day.

This matter is being progressed via ACC Thomson and will be taken to JNCC if required.

(h) **AREA LNCC**

The last LNCC Meeting with ACC Kate Thomson was held at Stirling on 15<sup>th</sup> October 2015 and was attended by the Secretary and the Deputy Secretary. The ACC advised of positive feedback in relation to the review of the 222 shift pattern currently worked in J Division. ACC sought the views of the SPF at which time she was advised that there had been no complaints or negative feedback been received in this regard.

There was lengthy discussion around the re rostering of Rest Days and the appropriate way to inform the officer involved.

ACC Thomson advised that all Divisional Superintendents were working together to resolve task deployment for the outstanding grade 3 and 4 calls for all areas.

(i) **DIVISIONAL UPDATES:**

**Forth Valley** - Andy Malcom informed the Committee that there had been several meetings with Mr MacLeod who had an open door policy however, there had not been much in the way of feedback.

**Fife** - Stevie Clark informed the Committee that there were no major issues within the division at present.

**Edinburgh** - Norman Towler updated the Committee accordingly. Edinburgh HMIC Report had been published and negotiations are taking place regarding resourcing etc. Brian Jones said that this issue had been raised at the Health & Safety. Case of waiting to see what the current position is with the new Chief Constable.

CID officers had received an email from their Superintendent regarding the wearing of body armour on top of their suits. Nationally it would appear that CID are not wearing PPE on a regular basis and they should be! It was emphasised that **EVERY** operational officer **MUST** wear their PPE.

Discussions regarding annual leave had ensued with the Chief Superintendent and Chief Inspector hoping to have a resolution within the next few weeks.

**Lothian's & Scottish Borders** - Andy Elliott informed the Committee that a meeting had taken place on 18<sup>th</sup> November 2015. CRTP will go to Dunblane for processing however, in relation to application forms, Senior Management appears to be stalling these informing the officers that they do not meet criteria with no real explanation being offered. There may be reduction in the size of Community Teams apart from the above it was the usual run of the mill problems.

**Major Events** - The Chair informed the Committee that the next major event would be Hogmanay and discussions ensued around the policing of same which would predominantly be stewarded. In light of events in Paris and the fear of another attack,

security would be high with Behavioural Trained Officers from the West Area coming through to the Edinburgh Hogmanay Celebrations in Princes Street to help police.

The Chair asked for the Representatives to bring some feedback to the next Quarterly Meeting.

**7. NEW BUSINESS**

Correspondence – A letter had been received from Patrick Cairns regarding the donation increase for Police Treatment Centre from £1.30 to £1.80 a week commencing 1<sup>st</sup> January 2016.

**8. COMPETENT BUSINESS**

There was no competent business to report.

**9. DATE AND PLACE OF NEXT MEETING**

The next meeting of the EAC would take place on Wednesday, 2<sup>nd</sup> March 2016 within Bathgate Golf Club.

**10. CLOSURE OF MEETING**

The Chair thanked everyone for attending and for their valued input into what had been a busy and most productive meeting. He reminded the Committee that it was vitally important that all members are encouraged to raise any concerns at the earliest possible opportunity with their local Representatives.

He wished everyone a safe journey home and thereafter formally closed the meeting.

**Grant McDowall**  
**Secretary**

**Brian Jones**  
**Chair**