



# Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## Joint Central Committee Equality Subject Committee

Ref: CS/DJK/LS

### MINUTES

19 January 2016

#### 1. Attendance

North Area Committee	Graham Sloan
North Area Committee	Caroline Scobbie
North Area Committee	Gordon Forsyth
East Area Committee	Nigel Bathgate
East Area Committee	Andy Malcolm
West Area Committee	Fiona Morris
West Area Committee	Gemma Beattie
Vice Chair	Graeme Ednie (meeting Chairman)
Business Administrator	Lesley Stevenson

Apologies were received from the Equality Secretary, Andy Hastie and Allan Symington.

#### 2. Opening of Meeting

The Chairman opened the meeting by welcoming all present.

#### 3. Minute of Previous Meeting

The Minute of the previous meeting had been circulated with JCC Circular 50 of 2015 and was noted.

#### 4. Matters Arising

##### 4.1 Actions

The following actions were noted:

1. Area leads to supply details of reps – Complete.
2. Equality Secretary to write to Chair GPA congratulating them on recent successes – Complete.
3. Vice Chair to circulate links for PNB circulars – E-mail with link and list of circulars was sent by GE to Area Leads on 26/10/15 – Complete.
4. Equality Secretary to liaise with DCC Richardson re PSoS response to SG Equality work on Race & Employment – Ongoing.

5. Corporate Branding – the Equality Secretary has highlighted the concerns of ESC with General Secretary at a meeting and in writing. No written response received but at meeting he felt that the circulated information should stand. Equality Secretary asked in her letter for JCC to reconsider – Complete.

#### **4.2 Fitness Testing**

It was reported that CI Boulton had recently provided a written update on fitness testing across various roles. The Equality Secretary would be arranging a meeting to discuss this issue.

**Action 0006/16:** Equality Secretary to engage with CI Boulton to discuss the matters identified regarding Fitness Testing across a number of roles within PSoS.

#### **4.3 Uniform**

The Committee was informed that the Uniform and Standards of Dress SOP consultation had closed and the document would be published in the near future. The views expressed by SPF in written submissions and at meetings had largely been accepted and it was agreed that our concerns regarding the storage of uniform, cleaning of UPPE and footwear would be forwarded to the UPPE Working Group on which the SPF H&S Secretary sits.

It was agreed that this item could be removed from the agenda.

#### **4.4 Equality & Human Rights Impact Assessment**

It was noted that the SPF had submitted written responses to the Equality & Human Rights Impact Assessment SOP and Guidance Document and await further contact from the Force.

It was agreed that as this issue was being discussed at other forums this item could be removed from the agenda.

#### **4.5 Equality Monitoring**

The Committee noted that the monitoring undertaken by the SPF was effectively now out of date due to changes on the Area Committees but the forms returned after the last election process showed no change in the diversity make-up of the organisation which lagged behind the Force composition. The Equality Secretary proposed that area leads continued to undertake positive action ahead of elections and that in time, the SPF would begin to be more reflective of the wider membership.

It was agreed that this item could be removed from the agenda.

#### **4.6 100 years of Women in Policing**

It was noted that this has been a UK wide piece of work that has highlighted the changes in policing over the past 100 years in relation to women. The Chairman advised that policing had come a long way but there was no room for complacency and it was important to continue to work towards better representation across all protected characteristics.

It was agreed that this item could be removed from the agenda.

## **5. Standing Items**

### **5.1 PNB (S) Equality Working Group**

The Chairman advised that this group last met on 8<sup>th</sup> December in Edinburgh and gave the following update in respect of ongoing work:

1. Independent Chair has intimated that he will attend and chair future meetings of this group.

#### **2. Equal Pay Audit**

SS confirmed that OS had provided raw data although this had been collected and recorded in differing ways across the legacy Force areas. There are some anomalies regarding payment of overtime to Inspectors and payment of allowances. It is also not clear if the recent buy-out of TOIL has skewed the figures. OS have undertaken to have a number of questions answered so that SS can complete the report for the next meeting

#### **3. Additional Hours Payment**

The following wording was agreed to be forwarded to PNB for agreement:

“The Staff Side of the PNB is seeking a commitment from the official side to include CRTP payment and annual leave entitlement where part-time officers carry out more hours than has been agreed as part of their flexible working pattern. This will ensure compliance with the Part Time Workers (prevention of Less Favourable Treatment) Regulations 2000 and the equality of terms provisions under the Equality Act 2010.

The Joint recommendation is for CRTP to be included in pay for additional hours worked by part-time officers, and that the apportionment of annual leave should be compensated by means of additional time.”

NOTE: The OS believe this requires a change in Regulations so that annual leave is allocated in hours. The SS disagree.

This is a fundamental point that cannot be agreed at this forum and will need to be finalised at full PNB

#### **4. Rest Days & Free Days during a period of Annual Leave**

John McLean confirmed that the OS agree that all non-working days during a period of annual leave should be compensated in the same way however the OS require to amend the reference period from the 3 days currently outlined within Police Regulations to 5 days.

SS have long resisted this and it was re-iterated by the SS Secretary in a recent letter to the OS Secretary.

OS have previously produced a paper based on what they thought the claim was but it is clear there was a misunderstanding in their interpretation of the claim. Jackie Muller to liaise with Ewan Logie to confirm and an amended paper will be produced by OS for consideration by SS.

## **5. Carry over of Annual Leave**

The following recommendation to full PNB has been agreed:

- In light of current case law, the Official Side and Staff Side of PNBS have reached agreement on the carry-over of statutory annual leave into the next leave year.
- Officers are required to take their statutory annual leave (20 days in line with the EU Working Time Directive) before their occupational annual leave (the balance of their total annual leave entitlement under Police Regulations).
- If an officer is on sick leave or on maternity, adoption or shared parental leave and is therefore unable or unwilling to take their statutory leave in whole or in part, the outstanding statutory leave will be carried forward into the next leave year. Any outstanding occupational leave cannot be taken forward in these circumstances.
- Any statutory annual leave carried over must be taken within 18 months of the end of the leave year in which it accrued.
- An officer who is on sick leave, maternity, adoption or shared parental leave does not have to request to take or carry over his or her statutory annual leave in order to have it carried over into the next leave year.

It was agreed that any reference to Annex 12 made the issue unnecessarily complicated and as such it is recommended that this is left silent.

Following a question from Andy Malcolm regarding statutory entitlement the Chairman agreed to arrange for further explanation to be provided off table.

## **6. Occupational Parental Pay for Officers taking Shared Parental Leave**

The OS did not fully understand the claim as written and asked that this be re-drafted. Jackie Muller undertook to speak with the SS Secretary and have a further claim submitted explaining the claim in more detail

## **7. FD to be treated as RD**

This issue has been discussed at great length in previous meetings when PNB 2014/9 was considered. The Circular covered many aspects of the Part-Time audit and it was acknowledged that not every part of it was relevant in Scotland.

The SS understood that agreement was reached in respect of FD being treated as RDs and awaited a Police Circular ratifying this position.

Peter Jamieson today confirmed that this was not the case and that when he had stated that Scottish Ministers had ratified the agreement he meant that it was in respect of all of PNB 2014/9 – or nothing.

SS expressed disappointment at this.

SS agreed to re-circulate the chart previously discussed outlining the detail of PNB Circular 12014/9 and referencing the Police Service of Scotland Regulations 2013

Date of next meeting: 11th February 2016 1400 hours

## **5.2 PS/SPA Equality & Diversity P&D Governance Group**

Nigel Bathgate reported that the above group met on 26 October and he had attended on behalf of the Equality Secretary. He said that focus groups were being established, the organisations duties as an employer, service provider, governance and legal obligations were being reviewed under the banner of the SPA Equalities Review which would lead to the Force's equality report for 2017. The focus groups would engage with Staff Associations and senior management by the end of March 2016. It was emphasized that there would be workshop elements to the focus groups to establish outcomes for the mainstreaming report and a sharing of action plans and that the outcomes needed to be smarter than before and move away from merely compliance to improving the organisation in an Equality and Diversity context.

In response to the Staff Survey, the Force was establishing face-to-face meetings with senior management and staff. Feedback was to have been collated by December 2015 and would be reported at the next meeting scheduled for 2016.

An issue raised by Gay Police Association in relation to the use of pnn email mailboxes was discussed. A resolution was being sought.

An update had been given relative to recruitment whereby the application process was being modernised. Officers were to be trained to act as recruiters in local areas. The Force had engaged with the Leith Agency to carry out recruitment marketing and they were to be contacting Staff Associations. A further study was to be carried out to establish where applicants from the BME community fall out of the recruitment process.

The next meeting has been scheduled for 10 February.

## **5.3 Protected Characteristics**

### **5.3.1 Disability**

The Committee noted that the Review of Disability in Employment SOP was ongoing. The Equality Secretary had submitted amendments to the SOP and a further draft from the Force was awaited.

### **5.3.2 Maternity**

The Committee noted that the updated draft SOP was currently ongoing. The Chairman requested that comments were to be submitted to the Equality Secretary by 30th January.

### **5.3.3 Race/Religion**

**Action 0004/16:** This item was previously covered under agenda item 4.1

## **5.4 Training/Legal Update**

The Chairman reported that inputs had been delivered to representatives at four basic training courses held in September and November. Feedback had been received and amendments would be made to the training materials in order to continuously improving the packages.

He further reported that a number of training inputs had been delivered to representatives on each of the three Area Subject Committees and training would continue to be developed and delivered as required.

It was noted that it was also necessary for all representatives to receive suitable and sufficient training in the equality area of SPF business and it was intended to commence the delivery of training packages to all representatives with work ongoing to arrange these inputs. Whilst this will primarily involve the Area Equality Leads, there is likely to be a requirement for local equality representatives to assist. Further detail would be provided in due course.

## **6. New Business**

### **6.1 Corporate Branding**

This item had previously been discussed under agenda item 4.1 and Action 0005/16. The Committee agreed to delete it from further agendas.

### **6.2 IAWP 2016**

It was noted that the next Annual Conference of the International Association of Women Police would be held in Barcelona in October 2016 and may offer an opportunity to network and learn from other Forces across the world. The Chair advised that JCC would determine if SPF would send a representative/s to the Conference and the Committee requested further information regarding the detail of the Conference. The Chair agreed to arrange for the Secretary to provide a briefing note in advance of the next meeting.

**Action 0007/16:** Secretary to provide a summary of information on IAWP Annual Conference 2016 prior to the next meeting.

## **7. Correspondence**

The Chairman advised that he had received an email from Fiona Morris which identified concerns in relation to contagious warning markers on CHS. This followed a recent request from an officer for a marker to be placed on a nominal record after having been advised by the nominal that they were HIV+. The request was declined on the basis that such information could not be recorded on CHS as it would breach the nominal's Human Rights. The Chairman highlighted the safety implications for officers being denied such important information but suggested it was a matter that sat within the H&S subject area and suggested it be remitted to the H&S Subject Committee. The Committee agreed to this proposal.

## **8. Competent Business**

There were no items.

## **9. Closure**

The next meeting will take place on 26 April 2016 at 12 noon.

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