



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

Joint Central Committee Equality Subject Committee

Ref: CS/DJK/KB

MINUTES

29 September 2015

1. Attendance

| | |
|----------------------|---------------------------------|
| North Area Committee | Graham Sloan |
| North Area Committee | Caroline Scobie |
| North Area Committee | Gordon Forsyth |
| East Area Committee | Nigel Bathgate |
| East Area Committee | Allan Symington |
| East area Committee | Andy Malcolm |
| West Area Committee | Fiona Morris |
| West Area Committee | Andy Hastie |
| West Area Committee | Gemma Beattie |
| Vice Chair | Graeme Ednie (meeting Chairman) |
| Equality Secretary | Jackie Muller |
| Administrator | Kirsteen Brown |

2. Opening of Meeting

The Chairman opened the meeting by welcoming all present. He congratulated Fiona Morris on her recent appointment as Deputy Secretary, and consequently her new role as the Equality Lead for the West Area Committee.

3. Minute of Previous Meeting

The Minute of the previous meeting had been circulated with JCC Circular 36 of 2015.

It was highlighted that Gordon Forsyth should be added as an attendee in the last minute and following the amendment was approved.

4. Matters Arising

4.1 Actions

Monitoring/Positive Action

The Equality Secretary asked the Area leads to provide a full list of elected representatives and to ensure that each one had received a form for completion.

4.2 Fitness Testing

This is a long standing item which comes from a request sent in November 2013 requesting details of all fitness testing undertaken within Police Scotland and copies of the relevant Equality Impact Assessments. The recruitment & probationer fitness testing is being reviewed as part of the Pathways to Policing banner.

Other fitness testing was still not clear and CI Gill Boulton has now been tasked to establish:

- Where fitness testing is undertaken;
- What the tests involve;
- Whether there is a requirement to re-take the test on a regular basis;
- Where the Risk & Equality Impact Assessments are;
- What the purposes of the tests are;
- Pass/fail rates by protected characteristic

4.3 Uniform

The Equality Secretary advised a considerable amount of work had been undertaken on this draft SOP and a further draft was expected soon and would be circulated for any further comments.

To date many of the issues raised by the SPF have been acknowledged and reflected in the SOP.

4.4 EIAs

The Equality Secretary said a draft Equality & Human Rights Impact Assessment SOP was currently out for consultation. She said that along with Graham Sloan and Nigel Bathgate she would be attending a seminar and workshop on 1 October which would look at the following:

- The legislative landscape of the EQHRIA including the Equalities and Human Rights Acts
- The FAIR approach to applying the principles in practice
- The application of equalities and human rights centers around the “proportionality principle”.

It is important we understand the principles and are able to:

1. Respond appropriately to the consultation and

2. Hold PSoS to task by asking, when they are developing procedures, practices etc
 - What are the human rights issues at stake?
 - Can the right be restricted and, if so, what is the reason for the restriction in this case?
 - If the right is restricted, is the response proportionate?
 - Are there protected groups who are likely to be treated less favourably than others by this policy?
 - Will this policy remove or minimise disadvantage for any protected groups?

This would allow SPF to re-draft its training on EIAs to ensure they are up to date and relevant.

4.5 Monitoring/Positive Action

It was hoped that once the final documentation and returns are received that a proper view of whether the positive action work leading up to the elections had made a difference to the make-up of the SPF representation.

4.6 Glasgow Pride

Fiona Morris and Nigel Bathgate attended this event. They both gave a short update on the success of the event, although they were disappointed at the turnout from senior officers of Police Scotland. It was agreed this item could be removed from future agendas.

The Equality Secretary advised she would write a letter of congratulations from the ESC to the Gay Police Association on winning the Scottish LGBTQA Award for Staff Network of the Year. It was recognised Alan Sneddon does a lot of work promoting LGB issues within PS & communities and has made several successful videos.

5. Standing Items

5.1 PNB (S) Equality Working Group

The Equality Secretary advised that this group last met on 20th August and gave the following update in respect of ongoing work:

- Police Circular 2015/1 had now been published and confirmed the agreement in relation to the Children & Families Act.
- The carry-over of annual leave following sickness absence and maternity was still being drafted although Police Scotland have confirmed that their normal practice is to do this.
- In relation to the Additional Hours Payment, the Official Side had received legal advice and advised they would be progressing this claim through full PNB. There was no agreement to date about backdated claims (PNB 2014/6 effective 1/9/2013).
- Scottish Ministers have confirmed that PNB Circular 2014/9 is agreed and a Scottish Government circular was awaited.

- Discussions around rest days and free days during a period of annual leave still continues and the General Secretary had sought counsel's opinion which was awaited.
- PSoS confirmed that they do not have all the data required in relation to the Equal Pay Audit. Basic information had been received but Official Side had committed to providing more in depth data for the next meeting.

The next meeting is scheduled for 6 October 2015.

The SPF Vice Chairman said he would forward links to the Committee allowing them to access PNB Circulars.

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

There was no update since the last meeting. The next meeting of this group was scheduled for 26 October 2015.

5.3 Protected Characteristics

5.3.1 Disability

The Equality Secretary said she awaited the review of Disability in Employment SOP. She asked all Committee members to consider the current SOP and submit their views/areas of concern to her by 12 October 2015.

The Equality Secretary said she wished to highlight the following case because it may be applicable when dealing with officers on long term sickness absence or with reasonable adjustments who were being considered under the Performance (Attendance) Regulations:

Erichson v Northumbria Police

Recent EAT decision regarding a 2013 ET case - the EAT considered how pension loss should be considered but original case was about an officer with a mental health condition who resigned after 21 years' service rather than be subjected to formal action for attendance under UPP. Force were found to have directly discriminated against officer on 6 counts:

1. Commencing informal UPP;
2. Telling him formal UPP would follow;
3. Disregarding medical advice;
4. Insisting a return to work after 4 weeks;
5. Making comments about officers swinging the lead;
6. Becoming angry when he sought to take leave instead of attending a welfare meeting with CI & HR advisor

The Chair reiterated how important it was to maximize opportunities of consultation. He would like to encourage everyone to respond to consultations that fell within their specific knowledge and to improve the SPF overall responses.

5.3.2 Race

The Equality Secretary gave feedback from the Scottish Government Equal Opportunity Committee work.

The Committee noted their disappointment that Police Scotland did not recognise the SPF as a representative body during their evidence giving. It was noted the Force confirmed they gave in depth training to all staff and officers in relation to equality and diversity.

The Equality Secretary was asked to write to DCC Richardson and establish details of the work highlighted to the SG Committee regarding E&D work.

A question was raised about the SPF being involved, with observer status in the selection process for new recruits as had been the case in some legacy Forces and more recently in the promotion process. The Equality Secretary highlighted concerns about this practice as it could leave the SPF open to criticism during any appeal or civil court proceedings.

5.3.3 Maternity

A final draft of this SOP is still awaited and would be circulated when received. The Staff Side & Official Side had agreed a press release regarding the increase in the Occupational Maternity Pay and it was hoped this would be released shortly.

5.4 Training/Legal Update

The Equality Secretary advised that Basic Training had been held week beginning 14 September and there would be ongoing training through Area Equality Committees.

Responsibility for equality representatives to ensure that any training they miss is received by contacting their local equality lead to arrange for bespoke/1-2-1 training. The Chair reiterated this and suggested that, depending on numbers, it may be beneficial to arrange a collective training day.

Caroline Scobbie gave a brief update on her attendance at the Basic Training Course in September.

Fiona Morris requested a breakdown of the process of dealing with and recording information rather than the areas that are covered in the course. The Equality Secretary offered to deliver further training at the next West Area Equality meeting to cover any gaps in knowledge.

6. New Business

There was no new Business.

7. Correspondence

No correspondence had been received.

8. Competent Business

Corporate Branding

The recent announcement of SPF Corporate branding was raised and the Equality Secretary was asked what advice she had given in relation to the use of font size. The Equality Secretary advised that she had contacted the General Secretary when she received notification of the changes and that he had confirmed that the decision to use font size 11 was within the guidelines of the RNIB.

After some discussion, which included references to other communication formats and Government guidelines, the Committee asked the Equality Secretary to write to the General Secretary asking him to note the disappointment of this Committee that they had not been consulted and asking that he consider the use, as a minimum standard, of Clear Print Standards. They also asked that he be informed of their wish to be consulted on any future work by the JCC which may have an impact on equality.

9. Closure

The next meeting will take place on 19 January 2016.

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