



# SCOTTISH POLICE FEDERATION

Established by Act of Parliament

Ref: MM/AM/LW

## **West Area Committee Minutes**

Minutes of the Annual General Meeting of the West Area Committee meeting held at the Glynhill Hotel, Renfrew on Thursday 6 March 2014 at 10 am.

### **1 ATTENDANCE AND OPENING**

Malcolm Macdonald (Secretary)

Martin Bertram (Deputy Secretary)

John Campbell (Deputy Secretary)

Jim Foy (Vice Chair)

Jennie Macfarlane

Pamela Fleming

Philip Maguire

Andrew Hastie

Campbell Smith

Scott Wilson

Kenny Welsh

John Hunter

John Haynes

Gary Mitchell

Stuart Finnie

Charles Sweeney

Lawrence Ramadas

David Blacklock

Thomas Liddle

Alistair Bell

Andrew Keating

Stephen McCulloch

Murdo Kennedy

Eddie Mather

Kevin Moffat

Robin Ferguson

Dennis Cairns

Fiona Morris

Andy Smith

Dawn Bethune

Grahame Gosling

Stuart Welsh

David Elliott

Colin Fraser

Joseph Conway

Andrew Hawes

Stuart Davidson

Tom Finlay – Observer

Martin Greenlees – Observer

## **Guests**

ACC Mike McCormick – East Area (a.m. only )

David Hamilton – Chair -North Area Committee

## **Apologies were received from:**

Andrea MacDonald

John Adams

The Vice Chair welcomed the members and informed the meeting that ACC McCormick (East Area) would attend the meeting and address the members.

The Vice Chair informed the meeting that a presentation would be made to Kevin Moffat who was attending his last WAC Meeting prior to retirement.

Time would be allocated after lunch for members to hold Divisional Meetings.

## **2 ADOPTION OF STANDING ORDERS**

Standing Orders were adopted for the duration of the meeting.

### **Vice Chair – update re suspension of Federation member.**

Prior to the separate rank meetings taking place, the Vice Chair informed the members that a member of the WAC has been suspended in accordance with rule 13.7 of the Police Federation Scotland rules pending an investigation into an allegation of gross misconduct. Under no circumstances should this matter be discussed until the enquiry has been concluded and the member is informed as to the outcome. A clearly defined process, including any appeal, will be followed and updates to the committee will be made at the appropriate time.

The WAC Secretary made the Committee aware that he had now received correspondence from the suspended member tendering his resignation from the West Area Committee.

### **Vice Chair – address to ACC McCormick-**

The Vice Chair asked the members to stand for a few moments in memory of our colleagues, officers and civilian, we have tragically lost in the past year.

*“Welcome everyone to this, the very first AGM of the WAC of the SPF.*

*ACC McCormack. On behalf of the WAC may I take this opportunity to welcome you today and to thank you for attending and agreeing to speak on behalf of ACC Mawson. In the west we enjoy an excellent working relationship with Mr Mawson and we are grateful for his open door policy, we would ask you to convey our thanks to him for this and we look forward to this continuing.*

*We now approach the end of the first year of the PSoS. You will be aware the federation were not advocates of this move, nor did we believe many of the financial figures that were being published regarding savings that would be made. That said, as always, where change was inevitable the federation fully engaged with all key stakeholders in an effort to ensure the transition would be as smooth as possible for our members.*

*As with any major restructuring programme, there have been and will continue to be teething problems. That said, what is without doubt is that the majority of problems can normally be traced back to a lack of understanding of police regulations, coupled with a failure to engage with the federation at an early stage. Where divisions or departments take the time to engage fully with us at an early stage, potential problems are addressed and the transition tends to run far smoother. This is no accident. Perhaps all departments should take note and it would be useful if early federation consultation became the ‘norm’ as opposed to an afterthought by some. We still have SOPs written and published without full consultation with us and its clear those responsible for publishing these in some cases have little or no knowledge of certain aspects of either police Scotland regulations or the police pension regulations.*

#### *Morale*

*In the last few years our members have faced unprecedented Government attacks on our pay, conditions of service and pensions. Our members are being asked to work more for less pay, pay more for smaller pensions and have had the Government fail to honour the terms of the pension schemes they joined. Overtime has been reduced and various expenses phased out. We have, thus far, been spared the full ravages of the Winsor report however we know there will be further budgetary constraints in the future. I know this is an area you have limited power to influence. However, it is important to remember that the above attacks without question impact on morale, increase debt levels and lead to good officers considering leaving the service in much greater numbers than in the past.*

*Despite all of the above, our members in the West continue to provide a fantastic service to the public and have enjoyed the support of the public for as long as I can remember. Without our members continued dedication, commitment, flexibility, risk*

*taking and personal sacrifices, none of the targets, wish lists or KPIs set would be met and in many cases exceeded.*

*KPIs.*

*Sir. It would of course be impossible to address you without addressing what I consider to be one of the biggest threats to officer morale, public support and the policing principles we have adhered to in the Police since any of us can remember. KPIs.*

*We absolutely accept there is a need for a degree of performance management. We acknowledge that, thanks to the combined efforts of our members along with some of the more positive, intelligence led and target driven policy's, there has been a significant reduction in crimes of violence. This results in far fewer people in our communities being assaulted and fewer serious incidents for our members to deal with. These 'targets' and these 'KPIs' we can accept.*

*However, the federation, as well as our colleagues in ASPS, have repeatedly voiced our concern on some of the less important aspects of the forces performance driven culture and target setting.*

*We are repeatedly told officers are not given individual targets within their PDRs. The reality is they are.*

*We are repeatedly told targets and the dreaded green/amber/red boxes should not be known to the frontline officer and should not affect how they perform. The reality is they are and they do.*

*We are repeatedly told individual officers do not have any 'targets' for searches, fixed penalty tickets or arrests. The reality is they do and this has been documented.*

*We are told that KPIs are about keeping people safe. The reality is many of today's middle and senior managers, including our own members, have become obsessed with the tick box culture and frontline officers, the most important component of policing, are feeling undervalued unless they submit tickets. Something isn't right.*

*Some divisions are stripping resources from nightshift purely to crew a vehicle during the day and target motorists. These cars are referred to by officers as the 'Persecution' cars.*

*We didn't join the service to target and alienate a large section of the community we serve by issuing tickets where verbal warnings would suffice, or to hit minimum stop search targets. Discretion must remain a fundamental element of policing in Scotland. Our members, younger in service, have not been educated enough in this regards and the problem is compounded by them becoming tutors themselves after only 2 years' service. It's time to end this practice. The inexperienced cannot teach what they have not yet learned.*

*Our Constables, Sergeants, Inspectors and Chief Inspectors are repeatedly telling us they feel they are assessed almost exclusively on targets and Green/Amber/Red boxes. They cannot all be wrong.*

*Recruits are, I believe, told by Mr Mawson on induction that discretion is a valuable tool, only to be told by colleagues at division that targets must be met. Our Chief Inspectors are working extended hours, worrying about KPIs and afraid to record these hours properly under working time regulations in case it affects promotional aspects.*

*We have read the reports from England and Wales regarding 'massaging of crime figures', senior officers now admitting it has gone on for some time. Prior to Police Scotland I spoke on this very subject at Conference in 2012. Having served in crime management, I have seen what goes on. Certain managers are frankly more interested in achieving targets than recording what was reported. We are still receiving complaints from our members in the West that some are being asked to temporarily downgrade certain crimes, to hide them until after morning meetings. Sir, let us not make the same mistakes as our colleagues in England. It is about ethics. Where crimes are reported, we have an absolute duty to record them correctly. A robbery is a robbery, not an assault and theft. A serious assault is a serious assault, it matters not one bit if this pushes any division above their targets for the month or year. Any attempt to hide a true and accurate picture of crime rates is unacceptable.*

*Sir, I ask you to take back to Mr Mawson that the message from senior executive to middle management that it is not all about targets is failing. We know messages have gone out saying it's not all about targets, we know there are operational toolkits and messages on the intranet regarding discretion. However, there is still evidence this isn't enough. The reality is that where many officers feel pressure to meet and exceed targets, or to downgrade crimes, this can lead to over zealous policing by some. This in turn will alienate our members from the public and the long term damage this could do is immeasurable. I urge the force executive to put the brakes on the KPI train, step back, listen to our members and not only get the message out there that it's not about targets or figures, ensure that message is heard and acted upon.*

### *Ill Health*

*Sir, there continues to be unacceptable delays in some cases due to OHU officers taking on extra work due to staff restructuring, leading to inevitable delays in appointments with OHU/FMA and SMP. We have had instances of the SMP failing to respond to important requests, leading to unnecessary delays in progressing ill health retrials to the detriment of our member's health. Thankfully another Doctor has been recruited and hopefully this will help.*

*We still have members, injured on duty, in some cases where apprehending violent prisoners, who then have to undergo intensive rehabilitation (following surgery) and are ultimately placed on a half pay then no pay scenario. In such cases, where the medical evidence is clear they are unfit for duties, I would urge you to fully support our injured colleagues and retain them on full pay as a matter of course until such*

*time as they are fit enough to return to work or be progressed via ill health retiral. I am grateful for Mr Mawson's support in some of the applications I have made in relation to particular case status. To be seriously injured whilst performing front line duties should not lead to financial ruin for our members and their families.*

*The new performance regulations in relation to attendance will no doubt impact on some of our members who do not enjoy the best of health or have a disability under the terms of the equality act. What isn't helpful is when they are wrongly informed that when the new regulations come into force they will be sacked for non-attendance. Or when they are wrongly informed they can no longer get an ill health pension. We will monitor the situation very carefully. In these times of austerity it will hopefully not be lost on Mr Mawson and the force executive that any bad decisions taken will inevitably lead to costly legal fees, reinstatement of officers, salary reimbursements and will become extremely counterproductive.*

### *Resourcing*

*We are routinely contacted by officers, concerned over under resourcing of divisions after 3 or 4 am. Our Chair, Andrea MacDonald, addressed this in her speech last year and it is disappointing to say it appears nothing has changed. We are still receiving reports that response groups are the first port of call to strip assets from as soon as another team is being set up to address KPIs, leaving the core groups stripped to the bone in some cases. As I mentioned earlier, when a 'KPI' car is required during the day to target motorists, it is yet more asset stripping from core groups on nightshift, where some people think almost nothing happens after 4am. If a KPI car is required during daytime, why isn't it resourced by dayshift officers? Officers' shifts should not be changed unless an exigency of duty dictates. Crewing a car to target motorists is not and I respectfully suggest never will be an exigency of duty. Any resourcing split 70-30% in favour of CPT and to the detriment of response groups will inevitably lead to more breaches of the WFA. Mr Mawson is well aware of the concerns we have shared with him regarding backfilling for Custody Division. The same is also true with regards to front office counters where police staff have been made redundant. The backfilling of posts and setting up of various teams is having significant impact on frontline officers.*

### *Flexible Working*

*With the forces openly expressed desire to be more family friendly, equality act compliant and flexible to officer's needs, we find in some cases a simply incredulous approach to any request for a flexible working plan. These are being nicknamed inflexible working plans. Some divisions are demanding officers either start or finish at the same time as their core groups, work almost every shift with their core group or reduce their hours in order to meet the above. It is simply astonishing to turn requests for flexible working down just to meet the above criteria. This is 2014, we are a huge organisation, we simply have to get better at managing work plans. DCC Fitzpatrick publicly stated more needs to be done to promote and develop female officers in particular. Recommendations from the Scottish Government Equality Group state that Police Scotland should have family*

*friendly policies. I won't speak on individual cases but it would appear some divisions in particular have a considerable way to go.*

### *Courts*

*Sir, our officers continue to be cited for court during annual leave periods. I know a lot of good work has been done in this area and work is ongoing, I'm also aware much of the problem lies with Crown Office. However, much as the attempts to have a standby scheme in place, reducing the burden on officers making unnecessary trips to court, are most welcome, this cannot be used as a way to avoid paying officers their entitlement under regulations. Any local agreements must be fully compliant with Police Scotland regulations.*

### *Regulation 9 Process*

*The move from the old regulation 13 procedure to the new regulation 9 procedure in dealing with probationary constables has not been a smooth one. We have encountered cases where officers have not been served with the briefing packs they were entitled to, have not been advised to consult with the federation and have been advised to attend meetings accompanied by their own supervisors. We would urge you to ensure that divisions are reminded that any probationers facing performance or fitness related issues are at all times directed to the federation. We are grateful for ACC Mawson's intervention on a particular case recently and we would ask you to pass on our gratitude for his involvement and continued support.*

### *Transfers*

*Sir, another area that causes particular angst among members is the time delays in facilitating transfers requested by officers on welfare grounds. We recognise work is now ongoing in relation to this and we're pleased there has been some movement. We would urge you to ensure this area of business remains a priority for HR and doesn't become neglected. In an organisation our size, surely it is in everyone's interests, force, officers and public alike, that welfare moves are accommodated and done so as quickly as possible.*

### *Commonwealth Games*

*Last but by no means least, the Commonwealth Games. We are now only a few months away from this massive event and still, despite repeated requests, are unsighted on any proposed shift pattern for the membership. Concerns have been raised regarding the ability of the security industry to meet demand. They have employees on their book who work for several companies and they basically have no idea whether they will be able to call on them or not. As is always the case and was evidenced at the Olympic Games, the shortfall will be met by our members who will be ordered to work with little or no notice period and resource levels to meet this and other events will be stretched to the limit.*

*Sir, I would like to finish on a more positive note. Despite everything I have highlighted, the vast majority of our members are an absolute credit to the office of constable and provide an incredibly high level of service to the public, unsurpassed by ANY other body, private or public sector. They perform to the highest ethical standards and their lives are subject to a code of conduct more stringent than any other body. As federation representatives we are immensely proud to represent these officers and I would invite you to make comment on this in particular when you address the committee. Sir, once again I thank you for attending on Mr Mawson's behalf and I now invite you to address the WAC"*

### **ACC McCormick responded to the Vice Chair and addressed the members**

ACC McCormick thanked the Chair for his invitation to address the Members.

He stated that overall, officers were a credit to the Force and sympathised with those officers in the middle service bracket who had been adversely affected by the changes to Pension arrangements. He further acknowledged officers work rates.

He updated the members on the following issues and answered questions from members of the Committee.

- OHU - He highlighted that there are new arrangements being put in place with regards to OHU to improve the service. Officers going on to half pay would be fully supported especially if due to an injury on duty or those suffering from a terminal illness.
- He acknowledged anxieties with regards to absence regulations. New regulations have to be applied although they should only affect a small number of officers. Transfer policy.- Agreed there is a real opportunity to help officers by facilitating welfare moves where possible rather than risk losing good officers due to family circumstances.
- Flexible Working Plans – Supportive of flexible working plans and sees no reason why many of them cannot be accommodated. Plans not suitable for certain departments could be supported in others and these should be offered where possible.
- Courts – liaising with Criminal Justice and fiscal service in an effort to improve ongoing issues.
- Regulation 9. Agrees federation support is required for all probationers going through this process
- SOPS – He informed the members that many were up for renewal and more collaboration is required, he will feed this back to HR.
- Commonwealth Games – The Force had constant engagement with security services and shifts will be made known to us as early as possible.
- Performance outcomes – At the end of January there was a reduction in deaths, minor injuries and over 400 less serious assaults. Crimes must be recorded accurately, there is no point in attempting to hide any figures.

Discretion must remain and 'targets' will be about reductions in crime/road deaths as opposed to volume of tickets issued.

- There are very positive returns – and rising confidence in the Police by members of the public.
- Resourcing- Stated it was important we get the balance right between police officers and support staff and we need to be more sophisticated in this aspect. We need to maintain a suitable balance which must avoid stripping from frontline. This matter will be raised at JNCC.

A member raised concerns regarding the performance culture and pressure Senior Managers had been placed under in relation to green / amber/red box ticking. In addition, the additional hours being worked as a result and failure to monitor same.

ACC McCormick responded by acknowledging concerns about this issue and accepting collective responsibility to address it. He will further discuss with ACC Mawson and believes there will be a change in direction in relation to KPIs and targets.

Another member raised concerns that KPIs were seen by officers as being negative and disproportionate. The reality is that officers are made fully aware of 'targets' and are under severe pressure to reach and exceed them.

ACC responded by acknowledging this and reiterated we will be more outcome focused in the future.

### **3 MINUTES OF PREVIOUS MEETING**

The Minutes of the last WAC meeting had been circulated on 29 January along with the Inspectors minutes.

The Minutes from the Constables Committee were circulated on 20 February 2014. The minutes from the Sergeants Committee were not available prior to the meeting.

The minutes were accepted as a true record.

There were five actions raised at the previous meeting and the Chair updated members in respect of the progress of these issues.

#### **ACTION 1**

Send out WAC Circular re public holidays as requested at WAC Mtg.

SPF Chair to speak to Resource Managers

**This was overtaken by events at the PNB Scotland Standing Committee on 16 January 2014. WAC Circulars 5/14 and 6/14 refer. (Copies of Circulars attached)**

## **ACTION 2**

Motion passed at WAC re Reg. 6(b) to be amended and presented to JCC .

### **Motion**

*That this West Area Committee asks Joint Central Committee to approach the Scottish Government and have them amend Regulation 6(b) Police Federation Regulations 2013.*

The new amendment should read as follows:

6(b) must ensure that each member of joint central committee cast the number of votes calculated to represent the number of members in their Area of Police Scotland divided by the number of representatives from their area of Police Scotland on the JCC.

6(b)(1) The product of the above mentioned calculation shall be called the multiplier ;that multiplier shall be applied to each vote cast by each such member so that the vote cast by the said member shall have the same numerical value as the number of contributing members they are thus deemed to be representing.

### **Note**

Concerns have been raised due to changes made by the Scottish Government who April 2013 amended the previous Police Federation (Scotland) Rules which ensured that all Central Committees ,Central Conferences and Conference Arrangement Committees be based on proportional representation and the members and delegates cast votes in proportion to the number of subscribing members in their police force.

The background to this motion stems from a decision made to move away from proportional representation which was previously contained within Police Federation (Scotland) Rules.

In 2005 Northern Joint Branch Board proposed a move away from proportional voting which reflects the current changes made in 2013 by the Scottish Government.

However delegates at Annual Conference defeated this motion in 2005.

At Annual Conference in 2006 a new motion was presented by Joint Central Committee to preserve and maintain Proportional Voting by members and delegates at Central Committees, Central Conferences and Conference Arrangement Committees.

Delegates at Annual Conference carried this motion to preserve Proportional Voting.

Indeed Annual Conference was made aware that Joint Central Committee had undertaken a review of these voting rules 2005-2006 and agreed that in all voting processes within JCC and Annual Conferences Forces should be allowed to vote proportionately to their size.

The will of Annual Conference in 2006 and the examination undertaken by JCC was presented as proof that Proportional Voting demonstrated equality and fairness even if there was to be change to the structure of Scottish Police Federation.

Why was it necessary for the Scottish Government to change the proportional voting rules when Annual Conference rejected such proposals in 2005 and JCC enquired into the subject made proposals and presented them to Annual Conference who approved to keep Proportionate Voting.

Surely the procedure for changing and rules affecting Proportionate Voting is Annual Conference. –

Vox populi Vox Dei

It is imperative that proportionate voting at Central Committees, Central Conferences and Conference Arrangement Committees is reinstated.

Quite simply the West Area Committee should have more votes to reflect that it has over half of Scotland's Police Officers. If this legislation is reverted back to where it was prior to April 2013 then it is felt that the SPF policies will be more reflective of their overall membership.

If the views of membership are to be expressed through Divisional Representatives and their Area Committees then a proportional voting system must be in place as it previously was prior to April 2013.

Without a proportional voting system all power is concentrated in the centre of the SPF which makes the organization less accountable to the majority of its membership.

**The motion was remitted to the JCC from this Committee in December. This motion was presented at the JCC meeting on 12 February 2014 by the Secretary and seconded by the Chair.**

**The motion was defeated**

### **ACTION 3**

Raise issue of body armour for the firearms officers with the Commonwealth Games Team

**The Chair raised this matter at the Armed Police Monitoring Group meeting held on 20 January 2014 and ACC Higgins instructed Superintendent Cameron to investigate this matter and report back to him. The matter is Ongoing.**

### **ACTION 4**

The SPF General Secretary to arrange for circular to be sent out re the corroboration issue.

**The National Chair wrote to the Justice Committee following his appearance highlighting his concerns about what had been reported. He has provided us with a copy of this letter and individual copies were provided to all at the meeting. Rather than produce a circular it has been agreed that the National Vice Chair will visit each of the Area Committees and give an input regarding this matter and have a question and answer session.**

**As a consequence of this action, the National Vice Chair has been invited to attend the next meeting of the WAC which will be held on 5 June 2014.**

**ACTION - Letter to be sent to National Vice Chair inviting him to attend June WAC**

### **ACTION 5**

Write to Chief Constable regarding election of Martin Bertram as Deputy Sec. WAC

**This action is complete. Martin Bertram took up post officially on 24 February 2014.**

## **4. LEGAL ADVICE AND ASSISTANCE**

There have been 12 files sent to SPF for legal advice and assistance since the last WAC Meeting. 3 had been rejected and the remainder were as follows ;

5 RTA

3 Conduct

1 Medical Appeal

The Vice Chair informed the members that most files were supported and the reasons for not supporting some were valid and could be appealed properly through the JCC.

## **5 POLICE NEGOTIATING BOARD (SCOTLAND STANDING COMMITTEE)**

The Secretary updated the members as follows ;

The General Secretary reported that the last PNB meeting and the last meeting of the PNB (Scotland Standing Committee) SSC was held on 16 January. Most items of business at the PNB meeting had related to Winsor, compulsory severance and redundancy relative to officers in England and Wales. In addition there had been discussion on the Equal Pay Audit and data gathering in the future which was of significant interest to both E&W in relation to the future pay review body and to Scotland in relation to the future PNB Scotland. He said it was clearly highly desirable that in the future separate arrangements both bodies had access to comparable data.

The General Secretary said that at the PNB SS, a number of controversial subjects had been discussed. These included a Scottish version of the PNB Report on Maternity Leave and Pay Gender, Equality and Worklife Balance and Flexible Working which the PSoS Human Resources representatives were hugely resistant to. Also discussed were sergeants acting –up as inspectors and their compensation for working on public holidays.

The General Secretary reported that agreement had been reached on exchanging 6 public holidays for 9 annual leave days (6 annual leave days for probationers). He said that this had not been universally welcomed but that a number of members considered it a good deal.

The General Secretary said that the Scottish Government and the Home Office had advised him of a 0.05% increase on the pension contribution increase to be implemented on 1 April 2014. He said the PNB Staff Side had asked for an explanation of this and that the Home Office response was very confusing and hard to interpret. He said as far as he could establish, the reason for the additional increase had something to do with a workforce demographic change in E&W. He had submitted a response to both the Home Office and Scottish Government and awaited their replies.

The General Secretary also gave brief updates on part time officers' pension contributions being based on full time salaries which he said was arguably unfair as there was no correlation with pension. He also reported on changes to the 40% tax threshold, changes to child benefit arrangements and pension increases. He said he would renew the circular on the impact on lump sums of taxation changes.

The General Secretary answered a number of questions about the employers' contribution, the analysis of opt-outs and the evaluation of the Police Pension Schemes. He said he was willing to circulate relevant papers to any members of the JCC who desired them.

The General Secretary reported on the future requirements for pensions' governance which would require a board comprising both employer and employee representatives. He said the Scottish Government was more advanced on the Home Office on this and it was known that there would be a requirement for three members from each side. He said this would present significant challenges for staff associations as to meet the statutory obligations members would have to have a good knowledge of pensions and related issues. He said there was also a requirement for an advisory board to assist with compliance with the codes of practice, covenant and rules and policy. He also said it was important to recognize that employee representatives could become 'lightening rods' for members with complaints.

The Chairman reported that there had been a meeting of the Scottish Police Consultative Forum (SPCF) on 28 January 2014. The meeting considered the appropriate fora for the consideration of certain issues. He said that in future there would be a PNB Scotland, a SPCF and the Joint Negotiating and Consultative Committee (JNCC).

He said PNB Scotland would inherit the terms of reference of the current UK-wide PNB. It would have negotiating responsibilities with respect to hours of duty; leave; pay and allowances; and personal equipment; and it would be the consultative body with respect to pensions.

He said the JNCC should deal with matters within the authority of the Chief Constable. In practice, these would be matters of management and implementation within the force of agreements reached within PNB and SPCF (and the regulations and determinations implementing those agreements) which, between them, defined the conditions of service of officers within the force. The JNCC would also provide a forum to deal with a wide range of tactical issues, not least those concerned with the deployment of police officers within the force.

The question arose of how to deal with matters which remain unresolved at the level of the JNCC. On operational matters, within a disciplined service, the decision of the Chief Constable was final. All organisations represented on SPCF value and support the essential operational independence of the Chief Constable.

Where a matter remained unresolved because there was a difference of view as to the meaning of a regulation or determination, or the application of policy or guidance promulgated by PNB or SPCF, it would be appropriate for the matter to be

referred to PNB or SPCF. Similarly, if an issue is unresolved because there was no appropriate provision in regulations, that too could be referred to PNB or SPCF.

A matter which remained unresolved which was purely an issue of management or implementation would not usually be appropriate for resolution by PNB or SPCF. If the Sides so agreed, the assistance of a third party, such as ACAS, could be sought.

The terms of reference of SPCF provided for it to be the forum for the consultation required under sections 11 and 54 of the Police and Fire Reform Act 2012. However, this was a largely reactive role of providing representations on drafts of regulations which Scottish Ministers proposed to make under section 11 or 48 of the Act. He said it had been agreed that it would be appropriate for SPCF to have a wider and explicit advisory role equivalent to that of the former Police Advisory Board for Scotland (PABS).

He said it had been agreed that it would be appropriate to include in the terms of reference of SPCF a provision for it “to advise Scottish Ministers on general questions affecting the police in Scotland (other than those within the terms of reference of PNB)”. That is wording equivalent to that which applied previously to PABS. It would give SPCF a proactive role, enabling it to raise with Ministers issues other than those on which Ministers were minded to make regulations.

The Chairman concluded by saying that John Randall, Independent Chairman of PNB would produce a paper fully detailing these arrangements.

One member asked if there had been discussion regarding the agreement of public holidays/annual leave issue prior to a decision being made?

The Secretary informed him that this matter had been debated fully at JCC and it was agreed at that point that 9 days would be acceptable.

It was felt that it was a positive decision as officers would receive 9 paid leave days with no detriment to rank. One member asked if it had been ratified as to when the days could be used ?

The member was informed that they could be taken throughout the year when operational demands were met.

One member asked if there would be a memo issued to clarify the matter?

One member asked why the addition was in hours as opposed to days. It was explained that it is the VSA that converts days to hours and this ensures all members, regardless of postings, work the same number of hours in a calendar year.

The members were informed that this was not proposed at present but if there appears to be issues with the management of the arrangement then it may be necessary to do this.

Although there were concerns regarding the decision, one member highlighted that many officers within his division were treating this as a positive decision.

There was some further discussion amongst the members regarding the matter and it was agreed that it would be beneficial for a memo to be circulated to clarify certain points which would be of assistance for the area Federation Representatives.

***ACTION - WAC SECRETARY TO CONTACT BERNIE HIGGINGS TO CLARIFY AND ISSUE A MEMO.***

**6. JOINT CENTRAL COMMITTEE CIRCULARS**

The Following JCC Circulars had been issued since the last WAC Meeting –

The Secretary informed the members that JCC Circular No. 9/2014 had also been circulated on 4 March 2014 by E mail and he read a copy of this to members as they may not have had the opportunity to access it prior to the Meeting.

77/13	19.12.13 - Changes to Rostered Duties
78/13	31.12.13 Promoting Responsible Dog Ownership in Scotland
1/14	22.1.14 Exchange of Public Holidays
2/14	27.1.14 Use of Wild animals in travelling circuses
3/14	28.1.14 JCC Agenda and Papers Feb 2014
4/14	5.2.14 Subject and Standing Committee Minutes
5/14	18.2.14 Over the Wall - Charity
6/14	18.2.14 Conduct and Performance Regulations
7/14	18.2.14 SPF Rules , Regulations and Standing Orders
8/14	19.2.14 Calls for evidence on Courts Reform (Scotland) Bill

**7. WEST AREA COMMITTEE CIRCULARS**

The Secretary informed the members that the following WAC Circulars had been circulated to the members:

All Circulars had been forwarded to the members prior to the meeting.

73 /13	16.12.13	Attendance Management SOP
74 /13	16.12.13	Business Interest And Secondary Employment SOP
75/13	16.12.13	Capability SOP
76 /13	31.12.13	Dog Ownership - Consultation
1/14	7.1.14	Re Rostered Rest Day
2/14	13.1.14	Equal Opportunities
3/14	14.1.15	Conduct Training
4/14	16.1.14	Infectious Diseases SOP
5/14	22.1.14	Public Holidays
6/14	27.1.14	Public Holidays
7/14	28.1.14	Animals In Travelling Circus
8/14	29.1.14	Equality
9/14	31.1.14	Equality
10/14	3.2.14	CICA Update
11/14	16.2.14	Subject Committee Minutes
12/14	18.02.14	OVER THE WALL (Charity)
13/14	18.02.14	Conduct & Performance Regulation Training
14/14	18.02.14	SPF Rules, Regs And Standing Orders
15/14	18.02.14	OB, Chairs And Secs. Minutes 17.1.14
16/14	19.02.14	Call For Evidence On The Courts Reform (Scotland) Bill
17/14	19.02.14	Postings And Transfer SOP
18/14	4.3.14	SOP - Public interest disclosure
19/14	4.3.14	SOP - Substance Misuse

## 8. WAC CHAIRS AND SECRETARIES MEETING

The minutes from the meeting held on 17 January 2014 were circulated via WAC Circular 15/14 on 18 February 2014.

A pre WAC meeting was held on Monday 3 March, the minutes of which are not available at this time. It was fully agreed that no discussion on the suspension of a WAC member should take place until the conclusion of any enquiry.

A member of the group raised the issue of communications and registered disappointment in the manner in which some representatives chose to air grievances or offer personal views via the email system. Another member expressed the view that personal agendas and rule challenges were being discussed far too frequently at WAC meetings and the WAC were letting members down by not discussing the real issues affecting them (TOIL, RRRD'S, Courts, KPIs, Flexible Working). A member asked that the Office Bearers address this

issue at WAC and remind everyone of the absolute need to comply with rules and standing orders governing the conduct and procedures to be followed at meetings. It was agreed by all that whether we agree or disagree with any decision taken, the Standing Orders and regulations must be followed at all times.

The Chair stated that the last 18 months had been extremely challenging for the Federation in terms of pensions, conditions of service and pay. This had badly affected morale. Whilst it was understandable that some members wish to vent their anger at the federation, it is our job to act in the interests of the membership at all times and we will continue to do this. A disproportionate amount of time is spent dealing with a tiny minority of members who will always be disgruntled and seek to challenge every decision taken by either area committees or Joint Central Committee. There is a need to be more focused and spend more time on the real day to day issues facing the majority of the membership and with this in mind the regulations, rules and standing orders of the SPF will be adhered to. This will prevent previously defeated motions being repeatedly discussed and allow the organisation to move forward and focus on new business. The Chair sought and received the committees support in this.

#### **9. JCC – FINANCE STANDING COMMITTEE**

The minutes from the meeting held on 22 January 2014 were circulated via WAC Circular 11/14 on 6 February 2014.

#### **10. JCC – LEGISLATION AND REGULATIONS STANDING COMMITTEE**

The minutes from the meeting held on 22 January 2014 were circulated via WAC Circular 11/14 on 6 February 2014.

#### **11. JCC - OPERATIONAL DUTIES STANDING COMMITTEE**

The minutes from the meeting held on 22 January 2014 were circulated via WAC Circular 11/14 on 6 February 2014.

The West Area Standing Committee Meeting held on 13.12.13 was not quorate. Minutes from the meeting on 22.1.14 have been circulated to the committee and were approved at the meeting on 5 March 2014. They will now be circulated to the full WAC in due course.

***ACTION – CIRCULATE MINUTES FROM WAC OPERATIONAL DUTIES MEETING ON 22 JANUARY 2014.***

#### **12. JCC - CONDUCT SUBJECT COMMITTEE**

The National Conduct Subject Committee met on 21 January 2014 and the minutes were circulated via WAC Circular 11/14 on 6 February 2014.

The West Area Committee Conduct Committee Training day was held at Merrylee House on 29.1.14.

The West Area Conduct Subject Committee will meet on 15 April. Members of the committee along with some others who had shown a particular interest in conduct matters, attended a training day on 29 January and received an input from the national lead. The meeting was well attended and a further training day is planned. All area representatives should have had the opportunity to attend the Inspectors and above training day input delivered by Vic Marshall. It is envisaged that the power point presentation to be delivered to musters in the West should be ready for roll out sometime in April or May. Further national training courses for all reps are being considered.

Another quarterly review of all members in the West Area subject to criminal or conduct complaints that we know about was carried out in mid-January. As a result of this, a number of cases were closed. In some cases the member had failed to inform us the matter was finished, or they hadn't been properly informed of this at division. In any case, members were grateful for the contact and feedback has been largely positive. PSD agreed to update us on whether cases are live, closed or nearing conclusion.

*One member highlighted the length of time taken for a resolution to be reached with regards to conduct matters. It was a stressful time for officers involved in the misconduct process and the delay in a resolution only makes matters worse.*

*The Chair agreed that this was an ongoing concern that was repeatedly raised with the force. The delays not only cause real distress to the officer, it also leads to the force appointing less able candidates to some posts simply because of time delays in clearing more suitable officers of allegations. He stated that he has received some positive feedback from members in relation to recent CCU 'management' interviews. He stressed it was important that he is made aware of any concern from members regarding these interviews at the earliest opportunity and he would raise these with CCU*

### **13. EQUALITY SUBJECT COMMITTEE**

The Deputy Secretary updated the members.

The National Equality Subject Committee met on 21 January 2014 and the minutes were circulated via WAC Circular 11/14 on 6 February 2014.

The West Area Equality Subject Committee met on 16.1.14 within Merrylee House for their meeting and training day.

The Deputy Secretary thanked the members of the Equality Committee for their assistance since the last WAC.

At present a decision from PNB was still awaited in regards the flexible working document and occupational maternity pay (13 weeks to 16 weeks in line with England and Wales). The Force meantime has published a flexible working SOP and we wait to see how flexible the force are going to be. If an officer is on a flexible working plan and moves posts or divisions etc. that the plan continues and moves with the officer. .

It should be noted that the national lead, Jackie Muller has highlighted several inaccuracies to the force and is still awaiting a reply from DCC Richardson.

The National Lead has also carried out this process in response to The Disability In Employment SOP and The Adoption, Maternity and Paternity SOP.

Since the last WAC there has been one equality committee meeting and training day held on 16 January 2014. The subject of the training day was The Equality Act 2010. The Training day proved a worthwhile exercise. Members of the committee were reminded that they should attend these meetings as the content of the meetings and training is important and duty time is granted for these events. The next meeting of the equality committee will be held on 8 April at Merrylee House. The subject of the training will be grievance handling.

Since the last WAC, the Deputy Secretary had attended at a mental Health in the Workplace Seminar, Equality Leads Training Event and An Equality for All Event held at SPC Tulliallan.

Locally there are 39 officers on half pay and 21 on no pay. The previous report gave figure of 35 and 25 respectively.

At present we have 14 officers sitting on the ill health process 3 of whom are expected to be discharged in the near future. Again this is in comparison to 20 in the last report.

The force has 4 grievances running in the West area and at present we are dealing with 3 of them.

The next meeting of the ASPS/Federation working party on equality is to be held in April at Castlebrae.

One member asked if Equality training was available to conduct trained representatives as many issues do overlap ?

Although the committees should have separate agendas, conduct and equality can at times go hand in hand and it was important that Reps be fully trained to ensure that information is passed to the officers correctly.

The Secretary informed members that any equality issue which involves conduct should be raised with the Conduct Lead.

#### **14. JCC - HEALTH AND SAFETY SUBJECT COMMITTEE**

The Deputy Secretary updated the members.

There have been no meetings of the Health and Safety Committee for West Area Committee since November 2013, the meeting scheduled for 15 January 2014 was cancelled due to insufficient time and rearranged for 19 February 2014 where the meeting was not quorate with only three attendees.

The Deputy Secretary highlighted that he was fully aware of the operational demand placed upon Officers, however, all Health and Safety reps should make all efforts in attending so that these meetings can take place.

There is a lack of H&S Reps left due to retirements and anyone interested in Health and Safety should contact the Deputy Secretary. The next meeting will take place on Thursday 10 April 2014.

The JCC Health and Safety Committee met on 21 January 2014 at Woodside Place, minutes require correction.

The West Area Command Health and Safety committee met on 10 December 2013 the minutes of which have been circulated to Health and Safety Reps. The next meeting is scheduled for 14 March 2014. From this meeting the following was discussed -

Accident stats for October until December have been circulated, a copy of which have been distributed. There was an increase in near miss reporting in G, Q and U divisions in November and December which was good news and may be down to the highlighting of same at local Health and Safety Divisional meetings. Also a further break down of these stats will be done by Jim Purves showing specialist divisions such as Custody etc. so that no misrepresentation at division where the issue is fundamentally a specialist division issue.

PAVA – update at next West Command Health and Safety Committee after outcome of further research from the Clothing & Equipment working group.

SOP to reflect procedure when a member of Police staff encounters a live incident when driving a low key marked vehicle.

Proposed introduction of a Health and Safety Newsletter called 'Safety-Net' as a local West Command initiative found wide approval with Mr Mawson taking to National meeting for it to be implemented within other Command areas.

New earpiece for Commonwealth games was discussed with a report being prepared and to be submitted to the Clothing and Equipment Group. The Deputy Secretary did not have an update as to how this is currently being progressed. Commonwealth games working group also looking to identify where they will be required, there is a cost issue for national introduction.

A Health and Safety briefing report was submitted by Tom Gorman and Jim Purves in respect of Operation Mabola (Clutha Bar) for the National Health and Safety Board. This report is available on request. Mr Gorman in this report highlights some good points and some learning improvements and observations. This report was completed for the National Health and Safety Board and any outcomes will be directed by them. Mr Gorman was impressed by the Scottish Fire and Rescue Services welfare pod, which was on site and asks consideration be made in purchasing something similar for Police Scotland.

There was a report submitted by Tom Gorman in relation to the exemption of wearing body armour whilst carrying out duties to protect the Baton during the Queens Baton Relay. This was approved as it was for the Olympic Torch Relay Team.

## **15. COMMONWEALTH GAMES**

The Secretary reported that he had now attended several meeting regarding the Commonwealth Games Planning Team.

Matters of concern were that work is still ongoing in respect of shift patterns. The officers deployments are now known and the finer details of the effected officers is work in progress. The Planning Team are still within the regulatory period of required notice for officers involved and will hopefully this communication will be available by end of March 2014.

The Annual leave restricted period remains from 6 July until 5 August. It still allows officers to request annual leave within this period under exceptional circumstances. The final decision on this will rest with Divisional Commanders. The Planning team are able to check via SCOPE reporting tool for all officers who have been granted leave during the restricted period.

There was a review of resourcing as since the creation of the Force, officers have now migrated into new divisions e.g. Custody and Crime Division. This work is now complete.

The officers who are working at the Games will normally be working a 12 hour day. This will involve deployment and travelling to and from their deployment hub. It is not envisaged that anyone will be expected to work excessive hours. The nature of the duties will determine if officers will require accommodation during the Games.

The SPF has requested a Force Position re compensation of the Inspecting Ranks who will be working during this time. The answer to this is still awaited.

All deployment will be Working Time Regulation compliant and these deployments will be available on SCOPE in April, May or June. The reason for this is due to Scope requiring to be manually updated.

The resourcing team are attending at the National Chairs and Secretary's meeting on 13 March to provide a further update.

The SPF responsibility during the Games will be met by the office bearers and it is anticipated that for the duration of the Games that the hub for this will be Merrylee House. Once our responsibilities are identified, contact numbers and E mail addresses will be communicated by both JCC and WAC Circulars.

The Secretary attended a meeting with the Deputy General Secretary on 7 February 2014. This meeting was with the relevant partner agencies and chaired by Chief Supt. Paul Main.

The purpose of this meeting was to keep the SPF and our partners abreast of what else is happening across Scotland during the Games.

The group were made aware of other events taking place that will impact on the members, some of which could not be discussed due to national security issues.

The Force has received the response from COSLA (Confederation of Scottish Local Authorities) regarding officers requesting that their children are granted authorised absence from school due to the restrictions place on their parent(s). A template should be available for officers having to make these requests.

Chief Supt Main made reference that training pack will soon be available on the Force Intranet. These packs will be specific to Specialisms. There will be 6500 officers involved on the busiest days and there is in excess of 87000 deployments during the Games. However busy, business as usual must continue.

The use of probationary Constables who are still at Scottish Police College will be used for some deployments, but this will be determined by their date of appointment and their level of training. A briefing paper has been completed in this regard which is a restricted document.

Police Scotland has engaged the COPFS re court citations. The Force intend to use the Court Scheduling programme. This will be measured by witness availability, however this will not permit attendance at court in future for backfilling purposes. Again this involves the cooperation of COPFS.

There was brief discussion regarding several issues including restricted annual leave during Commonwealth Game's period which overlaps with school summer holidays.

Members were informed that Officers can obtain an authorisation letter regarding taking children out of school out-with the holiday period due to restriction of annual leave.

With reference to Divisional resources throughout the period of the Commonwealth Games, one member informed the meeting that there had been reports of officers expected to be working within the Division for 12 hour shifts although this had not been confirmed.

The Secretary informed the member that he would be closely monitoring the situation .

## **16. MOTION(S)**

There were no motions.

## **17. CORRESPONDENCE**

All items of correspondence were read to members –

- E mail from Kevin Moffat (17.2.14) regarding resignation due to retiral
- Letter from Kenny Hodge (3.2.14) regarding resignation due to retiral
- Letter from Jock Adams (23.1.14) regarding resignation due to retiral
- Letter from RPOA (received 4.12.13) re Helicopter incident
- Letter from Colin Stark (received 5.12.13) re resignation from WAC
- E mail from Gary Turnbull re resignation from WAC (23.1.14)
- E mail from Jim Gamble re resignation from WAC (23.1.14)
- E mail from Alan Thomson re resignation from WAC (23.1.14)
- E mail from James Bevers re resignation from WAC (23.1.14)
- E Mail from Cameron Moir re resignation from WAC (10.12.13)

One member asked if there were any plans to fill vacancies on the WAC due to the amount of retirals/resignations ?

The Chair informed the meeting that this was being addressed. The matter would be discussed at the next Chair's and Secretaries meeting.

The Secretary informed the members that work was already ongoing with the Electoral Committee as the Force were not responsible for running elections and it was important that they be properly managed.

## **18. COMPETENT BUSINESS**

The Secretary updated the members regarding LNCC

The last LNCC was held on 25 February 2014 at Pitt Street. Issues raised regarding the abuse of variations in the WFA, in particular the divisions varying officers to backfill for custody division or bar staff. Mr Mawson accepted there were issues here, CS Telfer informed the group that he also had issues with staff backfilling.

The closure of some offices will alleviate this pressure somewhat and there is an ongoing review into the resourcing of custody division.

The reluctance in some divisions, particularly within the CID environment, to approve flexible working patterns was highlighted, going against the public statements made by DCC Fitzpatrick stating we have to get better at this.

Mr Mawson agreed that some attitudes have to change and, where things cannot be sorted at divisional level, we should speak to him direct about particular cases. We then discussed the misinformation being given to members surrounding the new Conduct and Performance Regulations as well as the forthcoming Police Pension Regulations. HR, federated ranks as well as ASPS members are it would appear routinely giving wrong information to members by informing them they cannot be medically discharged under Police Performance Regulations until after April 2015 or absence due to Equality act or ill health issues that will instigate medical discharge process will be dealt with under performance.

This will not be the case and Vic Marshall was quite clear in this when delivering his training. This will be monitored closely post April to ensure some over zealous HR officers or middle-senior management do not overstep the mark.

Other issues raised, now resolved, surrounding regulation 9 procedure in dealing with the discharge of probationers. Finally, issues surrounding KPIs were raised. We repeated our opposition to them and gave examples of the apparent obsession some people have with the tick box culture. Mr Mawson assured us that he was now personally ensuring that all officers, from new recruits to senior management, were being instructed that individual target setting was wrong and will not be tolerated.

Chief Superintendent Telfer stated he had recently had divisional targets in relation to 'speeders' stopped and instead replaced with KPIs for reduced road deaths which he welcomed. Where examples of anyone at divisions 'target setting' exists, this should be raised with commanders and, if it isn't resolved, ACC Mawson stated that he will personally deal with those who are setting targets to individual officers.

A member raised the issue of the recent honoraria/salary enhancement review group findings being rejected by JCC and remitted to the Finance Standing Committee. The chair stated his desire to have this issue dealt with and finalised once and for all, regardless of any decision taken or level set. One member thanked him for his honesty on the subject and asked that any further review be completely independent. Discussions took place regarding the difficulties in agreeing formulas

and levels. After much discussion one member stated he wished the debate to move on. The chair clarified the will of the WAC was for a totally independent body, containing no serving or retired officers, be commissioned to review honoraria levels and make recommendations on this to JCC. Further that any decision to accept or reject such a report be made by members of the JCC not in receipt of honoraria. One member stated he supported this and that any level set by an independent body should be accepted whether members agreed with it. The chair stated he would make the FSC aware of the debate and recommend this course of action to them.

A member raised the issue of rumours circulating regarding a buy-out of overtime. The chair stated this was nothing more than a rumour spread by some members; their motives for doing so are unknown.

#### **19. CLOSURE**

The Chair closed the meeting and thanked the members for attending.

#### **20. DATE OF NEXT MEETING**

The next meeting will take place on 5 June 2014 within the Glynhill Hotel.

**ANDREA MACDONALD**

**CHAIR**

**MALCOLM MACDONALD**

**SECRETARY**