



SCOTTISH POLICE FEDERATION

Established by Act of Parliament

Ref: MM/AM/LW

West Area Committee (Transitional) Minutes

Minutes of the West Area Committee (Transitional) meeting held at the Glynhill Hotel, Renfrew on Wednesday 22 May 2013.

1 ATTENDANCE AND OPENING

Malcolm Macdonald (Secretary)
Donald Walker (Deputy Secretary)
John Campbell (Deputy Secretary)
Andrea MacDonald (Chair)
Jim Foy (Vice Chair)

John Adams
Stuart Welsh
Martin Bertram
James Bevers
Pamela Fleming
Blair Henderson
John O'Neill
Steven McIntosh
Philip Maguire
Andrew Hastie
Tom Bingham
Campbell Smith
Scott Wilson
Kenneth Welsh
John Hunter
John Haynes
Gary Mitchell
Gary Kirkwood
Graham Gosling
David Readie
Stuart Finnie
Colin Fraser
Colin Johnston
Andrew Kennedy
Charles Sweeney
Fiona Morris
Lawrence Ramadas
Joseph Conway

Charles Sweeney
Alan Thomson
Campbell Smith
Kenny Brown
Dawn Bethune
David Blacklock
Stuart Davidson
Robin Ferguson
Thomas Liddle
David Elliott
Alistair Bell

Apologies were received from:

Jim Gamble
John Haynes (pm only)
Kenny Hodge
Eddie Mather
Kevin Moffat
Fiona Morris (pm only)
Willie Park
Gary Turnbull
Richard Webster

The Chair welcomed everyone to the first meeting of the West Area Committee (Transitional), particularly those members from the legacy Dumfries and Galloway Force and all new Representatives. She advised that the results of the elections held in the Greater Glasgow Division were not yet available.

The Chair explained that the structure of the meeting will now be based on that of the Joint Central Committee (JCC) and as such the Agenda and Agenda papers would be e mailed to all members at least 7 days prior to the meeting.

The structure of the meeting would also change slightly and in future the whole Committee would come together for the formal opening of the meeting and adoption of Standing Orders before moving into Separate Committee Meetings.

The Chair then explained that the Separate Committee Meetings today would be solely be for the purposes of electing Office Bearers, electing Representatives for the Committees and to draft an Agenda for future meetings.

2 ADOPTION OF STANDING ORDERS

The Chair explained that due to the changes to the structure of the Scottish Police Federation and the dissolution of the previous eight Joint Branch Boards we did not currently have any Rules or Standing Orders for the West Area Committee (Transitional).

In June the Joint Central Committee will meet to approve the proposed new Rules and Standing Orders which will apply to the Joint Central Committee and the three Area Committees.

In the interim, the transitional Rules and Standing Orders agreed by the Joint Central Committee in January were to be adopted.

The transitional Standing Orders were duly adopted.

A member asked whether or not the Committee's Representatives for the Joint Central Committee had to be full time Office Bearers. He was advised that this was not the case.

A member then stated that he had asked for an item to be placed on the Agenda but he had been told that this was not possible. He was advised that he had been told that the item would be put on the Agenda under Competent Business and that this had been done.

He then asked if this item could be discussed prior to moving into Separate Committees however he was informed that there would be than sufficient time to discuss the item at its relevant place on the Agenda.

3 MINUTES OF PREVIOUS MEETING

The Minutes of the last meeting were accepted as a true record.

The Chair advised that the Minutes will no longer be published but will be sent out as a Circular. After discussion it was agreed that this would be done as soon as possible after the meeting.

4 LEGAL ADVICE AND ASSISTANCE

The Committee was informed that since 1 April 2013 there had been 3 requests for legal advice and assistance:

- 1 - Conduct
- 1 - Equality
- 1 - Pensions

5 POLICE NEGOTIATING BOARD (SCOTLAND STANDING COMMITTEE)

The Secretary provided a full update from the General Secretary regarding this item.

The General Secretary said that much of the recent work of the PNB Staff Side (UK) was related to the Police Arbitration Tribunal decision and the technical aspects of the proposed changes for the new police pension scheme in England and Wales. The Staff Side of the Scotland Standing Committee of the PNB had also been working on pensions and the timetable which is driving that agenda.

The General Secretary reported there had to be a new Pensions Act by April 2015. The working document had to be prepared 12 months before April 2014 to enable scheme administrator's time to adjust to the new arrangements.

That left just over 12 months to achieve the necessary legislative changes in Scotland. The parliamentary timetable demanded draft legislation had to be laid in April 2013 (May at the very latest) and discussions on this had been taking place.

He reminded the JCC that as a constituent of staff side it had agreed to part fund the engagement of Mercer Actuaries to assist in this.

The General Secretary said he was aware that members were calling for legal opinions and actions. He gave a summary of what was being done both within police staff association circles and the wider public sector in this regard. He said that some challenges could only be mounted when the legislation was published as one could not legally challenge an idea or a concept but would have to wait and challenge a deed or an action.

The General Secretary said the Scottish Government did have some limited room for manoeuvre on the police pension schemes in Scotland. He said most replies to lobbying letters from SNP politicians indicated that the changes were being imposed by Westminster while most reply from other politicians indicated that the SNP Government did have latitude. He said the truth probably lay somewhere in the middle. He said the areas that had the greatest impact on cost were controlled by Westminster, e.g., the imposition of a career average scheme (CARE), the updating of pensions in payment by the CPI and the normal retirement age of 60, these were not open to negotiation. He reported that the Scottish Government was taking a firm line that any possible alterations would only be permissible within the same cost 'envelope'.

The General Secretary further commented that there were three categories of potential losers. Those in higher ranks would lose under a CARE scheme. Those in the 1987 scheme who would have reached 30 years' service before age 55 would only be able to draw CARE benefits at state retirement age, and those in the 2006 scheme who would have expected to retire below age 60 but if they did so would have an actuarially reduced pension on their CARE benefits.

After some careful and detailed consideration it was obvious that not all members would be impacted on equally. There is nothing that can be done to alter that. The best that could be done was to try to address the greatest injustices for the greatest numbers of people. He said the view was that the best that could be done was to soften the edge for the 1987 scheme members and their state pension age.

The General Secretary said that the Staff Side of the Scotland Standing Committee of the PNB had met with representatives of the Scottish Government, the Scottish Public Pensions Agency and the Government Actuaries Department based in Edinburgh and Mercers to discuss options.

He explained two options, one, that the deferment age be linked to normal pension age of 60, and two, that the accrual rates take into account the 1987 scheme members legitimate expectation of double accrual after 20 years' service. He explained a complex set of calculations which were being considered. The second option found more favour with the official side representatives and they would be examined in greater detail.

The General Secretary said that Mercer had been asked to examine the potential for reduced contribution rate in return for a reduced accrual rate when applied to the police pay scales which exist in Scotland when compared to England and Wales scales.

Mercer had done some preliminary work on a half percent and one percent reduction on the contribution rate and showed what it would mean in pensions value per annum. It was acknowledged that there were many unknown variables but the JCC had to decide if it was something it wished explored further and if the figures showed there was value in this the JCC had to decide if it was something they wanted to ask the Scottish Government for.

After a lengthy discussion it was agreed that further work should be done by Mercers and that the General Secretary should decide when he had further and better information to hand.

The General Secretary reported on the public sector pay freeze in Scotland coming to an end this year. The General Secretary reminded the committee that the police service should not fall under a general public sector pay policy as this would have a detrimental impact on the negotiating role when it comes to pay. Members discussed prospects for pay and when a claim could be submitted. They were generally in favour of submitting an early claim and asked the Staff Side of the Scotland Standing Committee of the PNB to look at this further.

6 JOINT CENTRAL COMMITTEE - CIRCULARS

A paper had been circulated and was noted.

7 WEST AREA COMMITTEE (TRANSITIONAL) - CIRCULARS

A paper had been circulated and was noted.

8 JCC - FINANCE STANDING COMMITTEE

The Secretary advised the Committee that the Chair will represent the West Area Committee on the Finance Standing Committee.

The Committee will be chaired by Brian Docherty and the Secretary will be Calum Steele. The first meeting will be held on 28 May.

The accounts for the eight legacy Forces are in the process of being completed. The Treasurer has advised that they should be finalised by 24 May.

9 JCC - LEGISLATION AND REGULATION STANDING COMMITTEE

The Secretary advised the Committee that he and the Chair will represent the West Area Committee on the Legislation and Regulations Standing Committee.

The Committee will be chaired by Brian Docherty and the Secretary will be Calum Steele. The first meeting will be held on 28 May.

10 JCC - OPERATIONAL DUTIES STANDING COMMITTEE

The Secretary advised the Committee that he and the Chair will represent the West Area Committee on the Operational Duties Standing Committee.

The Committee will be chaired by Brian Docherty and the Secretary will be Calum Steele. The first meeting will be held on 28 May.

11 JCC - CONDUCT SUBJECT COMMITTEE

The Vice Chair informed the Committee that a meeting had been held recently with all three area conduct leads as well as the national lead and Superintendent David Craig from PSD.

Discussions took place surrounding operational statements and the content of same. There was broad agreement that in most instances it is in the Officer's interests to respond to allegations in order that the CAP unit can make an informed decision.

Examples were given of instances where a failure to address allegations led to court proceedings that could have been avoided.

Obviously Officers do not need to address criminal allegation on an operational statement and this must be an individual decision but they should seek advice in all cases.

There remains a particular concern over data protection act offences when Officers are almost always advised by solicitors to give a no comment interview. In many cases a full explanation would explain the reason for accessing information and allow the investigation to be finalised. It is impossible to give generic advice on this as every case is different in some way. Officers should always seek the advice of the Federation on this issue.

It is hoped that over the next 12 months or so a consistent approach can be adopted across the country in relation to misconduct and the conduct leads will have regular meetings to ensure this is happening.

A training day will be held on 4 July and it is hoped around a dozen or so Representatives will be given an input on the interim conduct regulations. Full training on the new regulations due to be in force next April will be rolled out across the force later in the year. Inspectors and above will attend training days whilst others will complete an online training programme. It is hoped that full time Officials will also be given the full training input.

All conduct related matters in the West will be monitored by the Vice Chair to ensure consistency across the board.

The National Conduct Secretary is pursuing a national training programme for Representatives and he has also developed new Conduct forms which are now available for anyone dealing with a Conduct matter.

A member asked if malicious complaints against the Police would be pursued more rigorously. A discussion ensued and the Vice Chair advised that this is ongoing but he will monitor this issue.

12 JCC - EQUALITY SUBJECT COMMITTEE

The Deputy Secretary (John Campbell) informed the Committee that he would be responsible for the overseeing of all matters relating to Grievance, Part Time, Disability, Maternity, Adoption, family leave/care etc.

All the aforementioned would be passed to him and he would allocate the enquiry. All members of the Subject Committee would have to attend a meeting and training day on the 4 June and there would be a further five day training course which would be facilitated by the full time Officials at Woodside Place.

The meeting and training day will consist of an input from Jackie Muller and will set dates for future meetings and develop an Agenda.

There will be four meetings of the Subject Committee per year and these will shadow the JCC Standing Committee. Guests would also be invited to the meetings to provide information and guidance eg an employment lawyer, a representative from the Muslim Police Association etc. The Subject Committee can discuss potential guests and training issues.

The Deputy Secretary will be in regular contact with members of the Subject Committee to provide support and guidance when required. In turn he will also have regular contact and meetings with Jackie Muller who is the national lead on the subject.

This will allow:

1. A consistent approach throughout Scotland.
2. Identification of emerging trends.
3. Identification of areas of concern that may wish be added to the Subject Committee Agenda
4. Ensure support and assistance to members when required.
5. Ensure constant support and assistance to all Representatives.

At present there are 18 Officers going through the ill health process in the legacy Strathclyde Force. There are 39 Officers on half pay and 16 Officers on nil pay

Interestingly in 2012 there were 47 officers discharged through the ill health process and so far in 2013 there have been 13 discharged through this process.

These numbers do not include our colleagues from the newly formed V Division, formerly the legacy Dumfries and Galloway Force.

There have been no Equality and Diversity meetings held by the Force since its inception.

There are seven Grievances ongoing in the West Command Area and additionally we have three members who have sisted Employment Tribunals against the Force at present. These are dependent on the outcome of the Force's Grievance Procedure. It is important that the Force's Procedure is exhausted first in this regard.

13 JCC - HEALTH AND SAFETY SUBJECT COMMITTEE

The Deputy Secretary (Donald Walker) gave the committee an overview of the new structure of the Health and Safety Committee within the SPF, David Cummings was the Secretary with responsibility for Health and Safety at a National Level.

There was thereafter a Sub Committee structure in each of the territorial areas. The West Area Sub Committee will be chaired by Gary Mitchell with the secretary being Donald Walker. The Chair and Secretary will be two of the four representatives of the West Area on the National Committee and a further meeting is to be arranged to confirm the Sub Committee structure, set out dates for regular meetings and elect/approve a further two representatives to sit at the National Committee. Rank representatives had been agreed at separates earlier in the meeting.

14 G8

Information regarding this matter has been circulated, JCC Circulars 12/13 and 31/13 refer.

The Police Federation of England and Wales has circulated a document to all Officers involved with this event and have also published the document on their website. This has caused some issues as there are concerns over all aspects of security and some of the information contained in this document should not be for general information.

All Scottish Officers attending the event will be issued with an operational briefing pack at one of the three briefings taking place across the country. This will include a document with a list of contact numbers for the duration of the event, including a dedicated Federation number.

In addition there will be two Scottish Police Federation Representatives in Northern Ireland for the duration of the event to provide support to all Officers.

15 COMMONWEALTH GAMES

The Secretary advised that all matters relating to the event are being progressed through the Commonwealth Games Planning Team.

The Deputy General Secretary and the Secretary have carried out accommodation site visits, the most recent being three sites in Glasgow. One of these was deemed to be unsuitable.

Matters still to be addressed relate to deployment details and financial agreements, which will be done under the terms of the 'Hertfordshire Agreement'.

In relation to annual leave, a national policy is to be introduced for annual leave in general with a specific policy for the Commonwealth Games. This is still to be agreed, to date there has been no consultation with the Scottish Police Federation.

The legacy Strathclyde Force published a memo relating to annual leave but this was not agreed by the Scottish Police Federation.

16 MOTION(S)

No correspondence relative to motion(s) was received by the Secretary within the 14 day notification period prior to the meeting.

All members were reminded that motion(s) must be submitted in writing to the Secretary within this timescale.

One member did submit six motions for consideration, however this was outwith the timescales. The motions were considered but were not found to be of an urgent nature and therefore the timescale was not waived.

The member has been advised that he can resubmit these motions for the next meeting of the West Area Committee (Transitional). Some of the motions were also incompetent but if the member contacts the Chair or Secretary they will advise him accordingly.

17 CORRESPONDENCE

The Secretary read the following items of correspondence to the Committee:

E Mail from Jim Duffy, former Chair of Strathclyde Joint Branch Board – Good wishes for the future with the Police Service of Scotland

E Mail from Brian Docherty, Chair of the Scottish Police Federation – Charity Golf Event

E Mail resignation from Scott Jardine

E Mail resignation from Kevin Thomson

Letter from ACC Mawson – Officer Safety Training

18 COMPETENT BUSINESS

18.1 Remuneration for Full-Time Office Bearers – Sergeant Blair Henderson

Sergeant Blair Henderson, as the owner of this item, was given the opportunity to speak and he asked for clarification regarding the remuneration and travel expenses paid to Office Bearers.

The Chair provided full details of the remuneration and travel expenses paid both pre and post 1 April 2013. She also highlighted that all payments were subject to tax and national insurance contributions and were fully declared to HMRC and were independently audited annually as part of the Federation accounts as well as being published and distributed to all Federation Representatives on a quarterly basis. It was also clarified that the payments are not pensionable.

Thereafter a lengthy discussion took place and it was accepted that the decisions in respect of remuneration had been taken seven years ago by the Strathclyde Police Joint Branch Board during a meeting at which none of the Office Bearers in post at that time were present.

The travel expenses pre 1 April 2013 had been in line with PNB guidelines but post 1 April 2013 this had changed to the HMRC guidelines for business travel. Post 1 April 2013 it had been necessary to ensure that all Office Bearers were receiving the same remuneration as all of the eight previous Joint Branch Boards had paid differing amounts. As the only Joint Branch Board where the decision had been made without the input of the Office Bearers it was decided that this would be adopted for the Office Bearers of the new Area Committees. This meant that no Office Bearer voted on the issue of remuneration.

Some members still had concerns about the remuneration and felt that it should be reviewed independently. The Secretary advised the Committee that two motions regarding this matter had been submitted to the Joint Central Committee for consideration in June and this included the recommendation that an independent review be carried out. The Office Bearers did not disagree with this sentiment.

The Office Bearers were thanked for their honesty and transparency during the discussion and several members stated that the discussion was in no way an attack on the integrity of the current Office Bearers or questioning the work they carried out. The Secretary stated that in the future any member of the Committee who had concerns or questions could approach him directly.

18.2 JNCC

The Secretary advised the meeting that the first JNCC for the West Area Committee will take place on 12 June. ACC Mawson is keen that these meetings take place on a regular basis and has diared monthly meetings until the end of the year. The national JNCC is still to be arranged.

18.3 National Police Memorial Day

The Chair advised the meeting that National Police Memorial Day will take place in Cardiff on 29 September. The Scottish Police Federation will be represented at this event, however if any member wishes to attend (at their own expense) they should contact Lynne Welsh at Merrylee Road for further information.

18.4 Scottish Police Benevolent Fund

The Deputy Secretary (Donald Walker) provided an update regarding the Scottish Police Benevolent Fund, an amalgamation of the former funds of the eight legacy forces. The SPBF had been up and running and was operating by giving loans and grants through meetings of the trustees at a National Level.

A further Sub Committee structure was being developed to allow each territorial area to make decisions on applications for Grants, Loans and Donations. The legacy Dumfries and Galloway Force had established their structure and identified members, including one Trustee (Donald Walker), the legacy Strathclyde Force had identified two Trustees (Andrea MacDonald and Fiona Morris), however there was still a need for further representatives to sit on the Sub Committee, a total of ten were required.

The Deputy Secretary asked for anyone interested in taking part in the Sub Committee to put their names forward to either Andrea or Fiona. The first AGM of the newly formed SPBF was due to take place at 1600 hours on 11 June at the Grosvenor Hotel in Glasgow and all members were invited to attend. Further meeting dates were to be established for the Sub Committee, who will require to meet regularly to consider applications.

18.5 Group Schemes

The Chair advised that there had been some 'teething' problems during the first 4-6 weeks of the new Group Schemes, however it would appear that these are now being resolved. The national Vice Chair has now taken ownership of this area of business and is monitoring the situation and developing processes and protocols.

She further advised that small cards (credit card size) are being printed containing all of the emergency numbers required for the Group Schemes and these will be issued to all Officers.

19 CLOSURE

The Chair closed the meeting and wished everyone a safe journey home. A vote of thanks was given to the Chair.

The next meeting of the West Area Committee (Transitional) will take place on Wednesday 4 September 2013.

**ANDREA MACDONALD
CHAIR**

**MALCOLM MACDONALD
SECRETARY**