



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 31 of 2015

Ref: CS/LS

30 July 2015

Dear Colleague

JCC Minutes May 2015 – Information

I refer to the above and attach herewith the Minutes from the JCC meeting in May for your information.

The Sergeants' Central Committee minutes will be circulated separately when received.

Whilst this circular is primarily for your information, please submit any comments you may have to me no later than 10 days after its date of publication.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Calum Steele'.

Calum Steele
General Secretary



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

Joint Central Committee Minutes

Ref: CS/DJK/LS

Minutes of the Joint Central Committee meeting held at the Atholl Palace, Pitlochry on Tuesday 12th and Wednesday 13th May 2015.

1. ATTENDANCE AND OPENING

SPF Office Bearers:

Calum Steele
David Kennedy
Brian Docherty

General Secretary
Deputy General Secretary
Chairman

North Area Committee:

Neil Macdonald
Steven Thomson
David Hamilton
Graham Sloan
Neil Cameron
Gordon McDonald

East Area Committee:

Grant McDowall
Amanda Givan
Andy Malcolm
Nigel Bathgate
Brian Jones
Heather MacDonald

West Area Committee:

Malcolm MacDonald
Jim Foy
Andrew Smith
Phil Maguire
Andrea MacDonald
Charlie Sweeney

Subject Secretaries

Jackie Muller

Equality Secretary

Observers

Andrew Bilton	North Area
John Crawford	North Area
Karen Harrison (Day 1 only)	North Area
Jim Thomson	North Area
David Threadgold	North Area
Caroline Scobbie	North Area
Sandy Smart	North Area
Angus Morrison	North Area

Also in attendance

Doug Keil	Business Manager
Lesley Stevenson	Business Administrator

Apologies were received from the SPF Vice Chairman and Health & Safety Secretary.

The Chairman opened the meeting, thanked everyone for their attendance and invited all to take a full part in the meeting. He also welcomed Gordon McDonald who was attending his first JCC meeting since his election onto the Committee.

He asked that whenever someone left or joined the meeting it be recorded in the Minute.

The separate Central Committees met between 10 and 11am.

2 MINUTE OF PREVIOUS MEETING

The Minute of the last meeting was circulated with JCC Circular 18 of 2015 and was accepted as a true record.

3 ELECTION OF CONDUCT SECRETARY

Jim Foy and Neil Macdonald were the only nominees for the above post. An election was held and Jim Foy was duly elected.

4 LEGAL ADVICE AND ASSISTANCE

The Committee was informed that since the last JCC meeting there had been 13 new cases; six RTA cases, two injury on duty cases, two conduct cases, one CICA case, one ill health retiral case and one medical appeal. A further two files were rejected.

The Chairman gave thanks to David Kennedy for the recent work he had done covering both the Conduct Secretary and Deputy General Secretary roles. It was noted that there would be a review of protocols for legal advice and assistance in the near future.

5 PNB

The General Secretary reported that the PNB has gone through (and is continuing to go through) an incredible period of flux. The Independent Chair has retired and his successor yet to be appointed. The new Independent Secretary had to relinquish her role due to ill health and new arbitration processes have to be put in place.

He reported that the interviews for appointment of the Independent Chair were held on 8 April. He also reported that although only operating in Scotland, the PNB for the time being (and until the new legislation is passed in Scotland) remains a UK body with the Independent Chair appointment a matter for the Prime Minister.

Recently agreed (PNB) constitutional changes and cross border cooperation between governments have identified a way through this complexity with the appointment being a matter for the Scottish Ministers but subject to prime ministerial sign off. It was not likely the appointment would be made until well after the PM had dealt with issues of greater significance.

The General Secretary advised that the candidate for Independent Chair had a background as senior trade union official and senior business leader as well as a background in both public and private sector.

In absence of a chair, the PNB constitution permits the PNB to determine its own processes and until such time as an appointment is made, the sides have agreed (through secretariat) to alternate the chair position between the respective sides.

The Sides also agreed not to register any 'failures to agree' until the new appointment was made and in place.

Gordon Smith, a current Scottish Government employee, had been appointed as Independent Secretary to the Board following his predecessor relinquishing the role.

A new constitution, new arbitration processes and a new Chair for the Arbitration Board had all been agreed.

He reported that a PNB Staff Side meeting had been held in Merrylee House on 24 April and a further meeting was held in Atlantic House, Glasgow on 7 May 2015. The on-call allowance for superintendents and pensions were discussed at both of these meetings. He reported that the Official Side had intimated that they were keen to resolve the maternity pay issues as soon as possible. The Equality Secretary was to attend a meeting relative to this the following week.

The issue of Police Pay for 2015 was discussed at the meeting held on 7 May. The Staff Side had held detailed discussions on the elements of a pay claim and the strategy on how it should be submitted and the JCC endorsed the approach that the PNB representatives had taken. A claim of 1% for 1 September and a further 0.6% from 1 April 2016 had been submitted and a response from the Official Side was awaited. The Staff Side had also made a claim to link pay to an index for future years.

The Committee discussed the general financial situation. It also discussed 'exigency of duty' which both Sides agreed should be clarified. The Staff Side also submitted a claim for an overnight allowance and the Official Side said it wished to consider this matter amongst a wider set of arrangements. The Committee expressed regret that the Official Side did not have a senior police officer member present to assist their understanding of the importance of this (and other) issues.

Amongst other matters discussed were the Children & Families Act, maternity pay and the Equal Pay Audit.

6 PENSIONS

The General Secretary said that the CARE Pension Scheme came into effect on 1 April 2015. A copy of the regulations was circulated with JCC Circular JCC Circular 21/2015.

He said a new Scottish Police Pensions Board and Scheme Advisory Board had been created and members appointed. Both boards would hold their first meetings in June.

The General Secretary also provided an update on recent circulars issued by Scottish Public Pensions Agency as follows;

SPPA Circular 2015/01

This circular is to advise Police Officers, employers and representatives of the implementation of the Marriage and Civil Partnership (Scotland) Act 2014 which:

- introduces same sex marriage in Scotland
- allows civil partners in a civil partnership registered in Scotland, to a marriage in Scotland and
- amends the Gender Recognition Act 2004

SPPA Circular 2015/02

This circular is to confirm member contributions effective from 1 April 2015. This concerns contributions made under the Police Pension Regulations 1987, the New Police Pension Regulations (Scotland) 2007 and the Scottish Police Pension Scheme Regulations to be implemented from 1 April 2015. The headline information is that there is no change in contribution rates for existing '87 and '06 scheme members and that the contribution rate for the CARE scheme has been set at 13.46%

SPPA Circular 2015/03

This circular is to advise members about the potential loss of HMRCs Enhanced Protection and Fixed Protection 2012 and 2014 as a result of members moving to the new pension scheme on 1 April 2015

SPPA Circular 2015/04

This circular is to confirm:

- The employer contribution rate applicable for all 3 police schemes effective from 1 April 2015. This has been set at 23.1% and is a reduction of 1.1% on the previous employer's contribution which had been 24.2% since 2008.
- The cost cap set by the 2012 valuation

SPPA Circular 2015/05

This circular is to advise on the introduction of revised factors prepared by the Government Actuary for the purpose of calculating lump sums payable to retiring members under regulation B7 of the Police Pension Regulations 1987. The new tables show a small reduction in the tables BUT the Scottish Ministers have advised that the equivalent of a no detriment provision will be incorporated in regulations for all retirements up to and including 31 March 2022.

SPPA Circular 2015/06

This Circular is relevant to employers

SPPA Circular 2015/07

This circular is to advise of proposed changes to the Police (Injury Benefit) Regulations (Scotland) 2006. These changes should have immediate effect in advance of the regulations being amended.

Malcolm Macdonald said he had received a request from a member that an executive summary be prepared for each of those circulars. The General Secretary replied that the SPPA Circulars were on average no more than a couple of pages and were as concise as could be communicated. He also advised that the regulations ran to over 130 pages and an executive summary would be entirely inappropriate. He advised that the “plain English” commentary to the 1987 pension regulations was itself longer than the actual regulations and demonstrates the dangers of assuming that simplification equals abbreviation.

The General Secretary reported that the UK Police Pensions Consultative Forum had met in Belfast on 21 April. He highlighted that the meeting discussed learning points from the consultations and that a number of drafting errors were being discovered in the published regulations.

He also reported that the meeting discussed progress on exempting police officers from inheritance tax on death on duty as well as the tax penalties on annual allowance for chief (and increasingly superintending) officers. He further reported that at the behest of the Equality Secretary he raised the pension’s anomaly on shared parental leave and reckoning of pensionable pay.

The police representatives at the meeting agreed that a new pension’s commentary was required but the Home Office was not able to commit to the work at this time.

The Committee also discussed minimum pension age which will increase to 57 in 2028 – enquiries are ongoing to establish applicability to the police; the ending of contracting-out from the 1st April 2016 which will see National Insurance contributions increase by 1.4% and a pensions calculator.

7 SCOTTISH POLICE CONSULTATIVE FORUM

It was reported that the last meeting was held on 7 May 2015 at Atlantic Quay, Glasgow. One of the major issues discussed was the recording of working time and it appeared that the Scottish Police Authority was not fully au-fait with the requirements of the WTR as they applied to the police.

Once again the police representative bodies present felt that it was unhelpful not to have a senior police officer in attendance at the meeting (representing the service). The Committee agreed that these were important discussions about the health and wellbeing of police officers and they discussed the benefits of an updated survey which would assist in demonstrating the magnitude of the problems.

The Committee was made aware that the General Secretary advised the meeting that the potential for a lack of confidence in the senior officer conduct regulations, given the delay in finalizing the process, should not be underestimated.

8 SCOTTISH POLICE AUTHORITY (SPA)

It was reported that the Chairman and General Secretary attended a meeting on 17 March in Pacific Quay, Glasgow. Amongst the items discussed were; ill-health retirements; treatment of women in the police service; shift working; the budget; reputation; human resources, toil and re-rostered rest days.

The Chairman reported that he and Andrea MacDonald had attended a Police Authority HR meeting where ill health issues were debated and a further meeting with the HR Director was awaited on this matter.

It was reported that three new members were to be appointed to the Authority.

9 SCOTTISH POLICE BUDGET & FINANCE

The General Secretary reported on the general financial position and prospects for the years ahead.

He commended to the Committee the financial analysis for Scottish Public Sector spending undertaken by Biggar Economics for the SPF. The document is on the website.

The General Secretary summarised the expected position as being bleak with ever shrinking budgets and a continued austerity drive.

He highlighted that the Conservative manifesto will determine the shape of spending in the UK for the next 5 years. Whilst the manifesto does not amount to a budget, it advises of £12Bn of spending cuts over the next five years. Other than the NHS and Overseas Aid, all other departments are in line for cuts and these will translate into less money for Scotland through Barnett funding. The General Secretary opined that the prospect of an early budget, given the comprehensive Conservative victory was a real possibility and further cuts might be expected.

At this time the direct impact of the cuts announced in the March 2015 budget on Scotland's departmental spending had yet to be established. He reported to the Committee that Scotland Police Budget for 2015/16 showed an £11Million hole and no details yet shared with SPF as to how this would be addressed.

The Secretary highlighted that the Police Service of Scotland will likely benefit from a 1.1% reduction on employers pension contribution rates.

10 LOCAL NEGOTIATING CONSULTATIVE COMMITTEES (LNCCs)

North

Graham Sloan reported that the NAC met on 26 March in Aberdeen. ACC Campbell Thomson chaired the meeting. Amongst the items discussed were recruitment/retention and staff morale.

East

Grant McDowall reported that the EAC met on 8 April in Stirling. ACC Kate Thomson chaired the meeting. Amongst the items discussed were shift patterns, sickness levels and the control room at Bilston Glen.

West

Malcolm Macdonald reported that the WAC met on 3 April in Dumbarton. As there was no ACC available the meeting was chaired by the local commander. Amongst the items discussed were held in reserve; workforce agreements and i6 training.

11 JOINT NEGOTIATING CONSULTATIVE COMMITTEE (JNCC)

The General Secretary told the Committee that the last JNCC meeting was held on 8 January and that the next meeting was expected to take place in July. He said the April date had been cancelled

and Committee members felt that there was a lack of commitment from the Force executive to this important forum.

12 FINANCE STANDING COMMITTEE (FSC)

The last meeting was held on 22 April 2015. The Minute had been circulated with JCC Circular 20/2015 and was noted. The General Secretary reported that he had appointed a Head of Finance (one day per week) and a Finance Administrator (3 days per week).

Standing orders were suspended whilst a confidential matter was discussed.

13 LEGISLATION AND REGULATION STANDING COMMITTEE

The last meeting was held on 22 April 2015. The Minute had been circulated with JCC Circular 20/2015 and was noted.

14 OPERATIONAL DUTIES STANDING COMMITTEE

The last meeting was held on 22 April 2015. The Minute had been circulated with JCC Circular 20/2015 and was noted. A paper had been circulated at that meeting which drew attention to the practice of overtime being 'offered' to members at less than regulation rates. The SC agreed to propose to the JCC that the following letter be published on the SPF website.

Dear Colleague

Message to supervisors re overtime compensation

First, can I immediately acknowledge your hard work under pressurised circumstances and say that the SPF stands ready to address any workplace issues you may have on this or any other matter.

The reason for this letter probably begins in the financially strict circumstances of Police Scotland but while I acknowledge that, it does not excuse the practice of offering overtime to constables or sergeants at less than regulatory rates. Unfortunately, we are receiving increasing numbers of such complaints and it is our duty to do something about them.

Can I ask that you report pressure from above to offer overtime at less than regulatory rates? It is the intention of the SPF to report such conduct to the Deputy Chief Constable (Designate) for his consideration of misconduct proceedings.

Yours sincerely

*Brian Docherty
Chairman*

The JCC agreed to the proposal.

A further paper was circulated at the SC meeting on 22 April 2015 relative to 'Notifications'. It was agreed that the JCC be asked to examine a statement as follows to be agreed with PS:

Notification

No officer should be contacted when off-duty unless it is in relation to court or for some other urgent matter which cannot wait until the officer is next on-duty. This principle should be strictly adhered to in relation to alterations to rosters where the day in question is more than 5 days hence.

'Notification' should be recorded by a supervisor who should keep a record of when the officer received the notice, not merely when the notification was sent.

The JCC agreed to the proposal.

15 CONDUCT SUBJECT COMMITTEE

The last meeting was held on 21 April. The Minute was circulated with JCC Circular 20/2015 and was noted. The Deputy General Secretary told the Committee that he had recently met with the four SPF solicitors relative to warnings and hoped that the matter would be resolved in the near future. The Chairman thanked David for the work he had done during his time as the Conduct Secretary.

16 EQUALITY SUBJECT COMMITTEE

The last meeting was held on 21 April. The Minute was circulated with JCC Circular 20/2015 and was noted. The Equality Secretary said that she was generally disappointed and frustrated about the way PSoS were dealing with equality matters. This would be raised with Mr Gillies at the next JNCC.

17 HEALTH AND SAFETY SUBJECT COMMITTEE (H&S)

The last meeting was held on 21 April. The Minute was circulated with JCC Circular 20/2015 and was noted. Steve Thomson gave an update on behalf of the H&S Secretary who was on annual leave. Members discussed mutual aid in Northern Ireland; driver training; custody; personal protective equipment and firearms. Members were particularly concerned that officers were being permitted to drive high powered police vehicles with only basic training and this was to be addressed further.

18 POLICE RELATED CHARITIES

Police Treatment Centre (PTC) and the St George's Trust

The Equality Secretary told the Committee she had attended two meetings recently; Finance and a Trustee's meeting. Work will commence shortly at Castlebrae during which time the swimming pool will be closed. Other arrangements are in place. She told the Committee that she had emailed the Area Secretaries asking that anyone refused entry to the Centre be notified to her. The Centre is looking to extend treatment to include psychological issues. She also told the Committee that she had attended Trustee training the previous week which is modular, is free and is available across the country.

Malcolm Macdonald asked if officers would be able to attend Harrogate due to reduced facilities at Castlebrae and was told that the capacity would remain the same. He also asked about streamlining the registration process for children to the St George's Trust and the Equality Secretary said she would seek to find out. The Equality Secretary is to attend the AGM.

Scottish Police Bravery Award/Lewis Fulton Medal

The Chairman gave thanks to Jim Foy for the work he had done in relation to the awards. No ceremony is planned as yet. It was noted that Police Mutual are keen to fund the event. Jim told the Committee that he hoped to have more information for the next JCC in August.

Police Dependents' Trust

The Chairman gave a brief update to the Committee.

National Police Memorial Day

The National Police Memorial Day will be held in Edinburgh on 27 September 2015 and the Chairman asked that as many representatives as possible attend.

19 JCC CIRCULARS ISSUED SINCE LAST MEETING

A paper was circulated and was noted.

The General Secretary raised the issue of JCC Circular 17/2015 Review of Corroboration and said that it had been discussed previously at the Legislation & Regulation Standing Committee. He told the Committee that he was preparing a handout on SPF's views on consensual searches and was planning to brief MSPs. He asked that members send operational examples as soon as possible. The JCC agreed with the approach being taken.

20 CONFERENCE MOTIONS

The following motions were passed at Conference 2015:

Protecting the Frontline from 'one size fits all'

This Area Committee asks Central Conference to note the increase in departments; specialist teams and units in Police Scotland have resulted in a much diminished frontline.

To recognise the diverse range of communities, geography and local expectations in our country mean there cannot be a 'one size fits all' approach to Policing in Scotland.

To seek a "bottom-up" review of resource allocation that puts properly resourced community and response policing back at the heart of our service.

This motion was remitted to the Operational Duties Standing Committee.

Rest & Refreshment Breaks

This Area Committee asks Central Conference to ask the Joint Central Committee to pursue change in the current position regards rest and refreshment breaks for shift personnel on front line duty.

This motion was remitted to the H&S Subject Committee.

Court Citations & Attendance

This Area Committee asks Central Conference to ask the Joint Central Committee to pursue change in the current court citation and court attendance processes for police officers with Scottish Government and Crown Office, to seek a substantial improvement in the relationship between the partner groups to address, wasted time, stress, and costs, caused by the current system.

It was agreed that this should be taken to the Working Practices Review Group.

Alterations to Duty Rosters

This Area Committee asks Central Conference to ask the Joint Central Committee to negotiate a change to regulations and or determinations so that any member of the federated ranks who has his or her tour of duty altered from the tour published on the roster is compensated as follows:

- Change to starting time of up to four hours = one hour at time and a third
- Change to starting time of four or more hours = two hours at time and a third

- Change to starting time of eight or more hours = four hours at time and a third

This compensation should be additional to any other provision of regulations or determinations.

This motion was remitted to PNB SS.

Working Abroad

This Area Committee asks Central Conference to ask the Joint Central Committee to clarify the present arrangements for terms and conditions of officers working abroad and arrange that these are produced in a discreet document.

It was agreed that this motion should be taken to the UK Police Remuneration Forum on which the Chairman and General Secretary sit.

Policing & the West Lothian Question

This Area Committee asks Central Conference to support that the legislative authority for all matters relating to police officers, police pay & conditions and policing in Scotland, be devolved to the Scottish Parliament.

It was agreed that the General Secretary would write to parliamentarians highlighting the pension issue.

Policing & the Terrorist Threat

This Area Committee asks Central Conference to support calling on the Scottish Government to ensure police funding is adequately increased to ensure the Police Service of Scotland has all the resources it needs to protect its officers as well as our communities and to further call for fair police pay to reflect that police officers are more than ever delivering public safety when their own lives are increasingly in jeopardy.

It was agreed that a meeting with DCC Livingstone should be arranged to discuss this issue.

21 CORRESPONDENCE

The General Secretary told the Committee that out with correspondence of a routine nature; he had received;

- A letter of thanks from John Randall, former Independent Chair of PNB
- A letter from former divisional commander Ciorstan Shearer with an invitation for the SPF to get more involved in the reviews of custody division
- A decision in the Court of Appeal for CHIS Handlers
- A letter from PSoS re the Opinion Survey
- A number of letters re stop/search
- A letter from a member regarding the SPF views on Taser
- A letter from Michael Matheson relative to maternity leave
- A lengthy response from Director of Human Resources re letter about ill health
- A number of letters of thanks regarding conference at Turnberry
- A letter from PSoS CC relative to the withdrawal of funding for future conferences
- A letter of thanks from COPS for donation

22 COMPETENT BUSINESS

There were no items.

23 CLOSURE

The Chairman closed the meeting and wished everyone a safe journey home.

A vote of thanks was given to the Chairman.

BRIAN DOCHERTY
Chairman

CALUM STEELE
General Secretary

CONSTABLES CENTRAL COMMITTEE

Minutes of a meeting of the Constables' Central Committee, held in the Atholl Palace Hotel Pitlochry on 12 May 2015

1. ROLL CALL

Malcolm Macdonald	West Area
Jim Foy	West Area
Grant McDowall	East Area
Amanda Givan	East Area
Steven Thomson	North Area
Neil MacDonald	North Area
Brain Docherty	Ex Officio
Calum Steele	Ex Officio
David Kennedy	Ex Officio
Jackie Muller	Ex Officio
Sandy Smart	North Area (Observer)

2. APOLOGIES

Apologies were received from Graeme Ednie and Peter Jones both Ex Officio.

3. ADOPTION OF STANDING ORDERS

Standing orders were adopted for the duration of the meeting

4. OPENING OF MEETING

The meeting was opened by Jim Foy and welcomed all attendees.

5. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were accepted as a true record of the meeting and had been circulated by JCC Circular 18/2015

6. MATTERS ARISING

(a) PNB

The General Secretary informed the committee that there was no item of business of the PNB which was solely of interest to the Constables rank.

(b) JCC AGENDA

No items on the agenda relative to the Constables' rank

7. COMPETENT BUSINESS

No items of competent business had been received by the Secretary.

The National Chair made the committee aware of a recently published memo on the SPF website which highlight the SPF concerns re officers being encouraged or volunteering to work overtime for non-regulatory rates of pay. He also requested that if any such examples were available then these details should be passed to him via the Area Secretaries.

8. CORRESPONDENCE

No correspondence had been received.

9. DATE OF NEXT MEETING

The next meeting is to be held in the Hilton Doubletree Hotel, Dunblane on Tuesday 18 August 2015.

10. CLOSURE

The chair closed the meeting and thanked everyone for their attendance.

MALCOLM MACDONALD
Secretary

JIM FOY
Chair

INSPECTOR'S CENTRAL COMMITTEE

Minutes of the Inspector's Central Committee meeting held in the Atholl Palace Hotel, Pitlochry on Tuesday 12th May 2015

1. ROLL CALL

Heather MacDonald	-	EAC (Secretary)
Andy Malcolm	-	EAC
Gordon McDonald	-	NAC
Neil Cameron	-	NAC
Andrea MacDonald	-	WAC (Chair)
Charlie Sweeney	-	WAC

2. APOLOGIES

There were no apologies.

3. OPENING OF MEETING

The Chair opened the meeting and welcomed everyone.

4. ADOPTION OF STANDING ORDERS

Standing Orders were adopted for the duration of the meeting.

5. MINUTES OF PREVIOUS MEETING

The draft minutes of the previous meeting (Central Conference) had been circulated and amendments discussed and agreed. Once amended as agreed, they will be submitted and re-circulated.

6. PREVIOUS ACTIONS

Commonwealth Games

The Chair updated members regarding the current situation. It was suggested that individual boards raise this if they wish to with their area ACC's at the AGM's in June.

7. MATTERS ARISING

PNB – An update was provided by the Secretary.

Time for Justice - Update from the Chair – Cardiff University have been in contact with the SPF expressing their wish to do some follow up work from their last survey. This follow up survey would be tailored to meet needs of local areas and will cost approximately £4,400. This was discussed and unanimously agreed to put this to the JCC to support the funding for this.

8. CORRESPONDENCE

There was none received.

9. AOCB

PNB Reserve – Charlie Sweeney proposed Heather Macdonald. This was seconded by Gordon McDonald.

PTC Inspectors Rep – Charlie Sweeney proposed Heather Macdonald to represent Inspectors at PTC; this was seconded by Neil Cameron

JNCC – The Chair updated the ICC that the Chief Constable had cancelled the last JNCC.

10. DATE OF NEXT MEETING

The next meeting of the ICC will be held on Tuesday [REDACTED] 2015 at [REDACTED].

HEATHER MACDONALD
Secretary

ANDREA MACDONALD
Chair