



# Scottish Police Federation East Area Committee

## Minutes of the Third Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 4 September 2019 held within The Houston House Hotel, Uphall, Livingston, EH52 6JS

### 1 OPENING OF THE MEETING

The Chair welcomed all those in attendance to this, the Third Quarterly Meeting of the East Area Committee for 2019.

The agenda, evacuation and need for attendance were highlighted, Standing Orders were adopted and the meeting was declared open.

### 2 ATTENDANCE

Inspector Mark Murphy	C - Forth Valley
Inspector Ewan Wilson	C - Forth Valley
Inspector Jim Thomson	C - Forth Valley
Sergeant David Reid	C - Forth Valley
Sergeant John Burgoyne	C - Forth Valley
Sergeant Anne Begley	C - Forth Valley
Constable Lyn Redwood	C - Forth Valley
Constable Calum Baird	C - Forth Valley

Inspector Norman Towler	E - Edinburgh
Inspector Allan Symington	E - Edinburgh
Inspector Peter Jones	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Sergeant Craig Rogerson	E - Edinburgh
Sergeant Heather Macintyre	E - Edinburgh
Sergeant Christopher Richardson	E - Edinburgh
Constable David Davison	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh
Constable Stephen Neilson	E - Edinburgh
Constable Richard Wood	E - Edinburgh

Inspector Michelle Ritchie	J - The Lothian's & Scottish Borders
Inspector Andrew Toombs	J - The Lothian's & Scottish Borders
Inspector James Morrison	J - The Lothian's & Scottish Borders
Sergeant John McEwan	J - The Lothian's & Scottish Borders
Sergeant Bryan Jones	J - The Lothian's & Scottish Borders
Constable Alan Hastings	J - The Lothian's & Scottish Borders
Constable James Friery	J - The Lothian's & Scottish Borders

Inspector James McLaren	P - Fife
Inspector Michael Williamson	P - Fife
Sergeant Graeme McLaren	P - Fife
Sergeant Graham Ross	P - Fife
Constable Stevie Herd	P - Fife
Constable Ian Rushford	P - Fife

Andrew Malcolm	Chair
Stephen Clark	Vice-Chair
Grant McDowall	Secretary
Heather Macdonald	Deputy Secretary

### **OBSERVER**

Sarah Vesty	SPF Journalist and Communications Adviser
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### **3 APOLOGIES**

Apologies were received from John Hay, Craig Menzies, Ian Stephen, Austin Barrett, Darren Gallagher, David Hughes, Callum Peoples and Mark Murphy.

### **4 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous meeting held on Wednesday 5 June 2019 had been circulated and were approved.

### **5 MATTERS ARISING**

#### **(a) JOINT CENTRAL COMMITTEE UPDATE**

The last meeting took place on Tuesday 20<sup>th</sup> and Wednesday 21<sup>st</sup> August 2019 at the SPF training facility in Dundee. At the commencement of the meeting a vote took place to elect a new Chairperson. Three candidates stood, David Hamilton, Brian Jones and Andy Malcolm. After 2 rounds of voting David Hamilton, who is the current Vice Chair was elected as the new Chair and will take up his post when the present Chair retires in April 2020.

**Legal Advice and Assistance** - It was reported that in the East Area the following legal cases are ongoing. 17 on duty incidents and 7 off duty. 2 rejected cases were also received, which did not fit into the requirements for legal cover.

Since the last JCC meeting 5 East cases have been settled and this has resulted in officers receiving £2,061 085.46 in monetary gain for our members.

**WHATSAPP** – The SPF raised Judicial Review papers for 10 WhatsApp officers, this case was lost and has been appealed following the ruling. Crown Office ruled that as a Police Officer that access to data is legitimate.

An Appeal has been lodged on 26th July however, will not be heard until there is a reply from the respondents with the earliest date being sometime in October 2019.

**ALLARD** - Legal proceedings have commenced and a Judicial Review was raised. This was done to protect the 195 officers. A meeting held on 1<sup>st</sup> August between legal parties advised that PSoS and SPF are happy to negotiate. The action will be raised against both PSoS and SPA.

**HOLIDAY PAY** - As reported at the last meeting, an offer has been made however, 6 officers have refused the settlement. They have been advised that their part of the settlement will be withdrawn from the PSoS offer and they will have to fund their own ET submission.

The Northern Ireland case going back 20 years won however, this was immediately subjected to appeal, by the PSNI.

The JCC took a view that due to the victory in Northern Ireland, it would be prudent to await the decision through the Supreme Court. Although any legal decision made in Northern Ireland has no jurisdiction in Scotland, if their victory is upheld then this would have an impact on the whole of the United Kingdom.

On 1<sup>st</sup> April 2019 it was announced that all officers who regularly work overtime would receive 10% back for the first 20 days. This will apply to all officers and will go back to 1<sup>st</sup> April 2017. This only applies to overtime payments made and does not include TOIL.

**Police Negotiating Board** - The last meeting took place on 10<sup>th</sup> July where the following items were discussed. College Allowance; Working Overseas; Pay Scales and Additional Public Holidays.

Further updates were also provided in relation to a meeting that had taken place on 11<sup>th</sup> June 2019 where the following were discussed. Places of Duty & Mileage Entitlements; Travelling Time – conformation that 45 minutes is the agreed time regardless if it is only a 5 minute

journey; Legislative Progress for PNB in Scotland; Keeping in Touch Days and updates on Regulations and Determinations.

**Pensions** – the Committee were updated on the meeting of the Scheme Advisory Board which met on 26<sup>th</sup> June 2019. Discussion followed regarding the Tribunal process which will take place during 2020 and the Committee expressed a desire for the process to be as open and transparent as possible in terms of any submissions/evidence that is presented.

Committee were further updated on the impact of Annual allowance and the advice contained within letters received by individuals and the SPPA website. The Committee were reminded that these notices should **not be ignored** if received and, should be addressed by the individual.

The next meeting of the Board is scheduled for 26<sup>th</sup> September 2019.

**McCloud and Sergeant** – the Committee were updated on the progress to date and referred to Circulars including JCC 17/2019. Pension changes affected the entire public sector and updates are awaited around a proposed remedy.

**Scottish Police Authority** - The last meeting took place on 21<sup>st</sup> August 2019. The Prime Minister announced that England and Wales would receive 20,000 additional officers. There would be Barnett consequences attached to this deal.

The Chief Constable announced that he would require to lose 770 officers to balance the books. This was ratified by the SPA. It is incumbent on the SPF to keep up political pressure to protect our numbers in Scotland.

**Scottish Parliament & Political Engagement** - The Justice Committee visited Galashiels Police Station earlier this week to establish the position for rural policing.

The Police Capital Budget is scheduled for 12<sup>th</sup> October 2019 and the Chief Constable and SPA will be in attendance.

Discussions surrounding the Age of Consent in Scotland has been passed however, due to concerns raised by the SPF it is not enacted as yet.

**Joint National Consultative Committee** - the date of the last meeting was the 14th June 2019 when the following items were discussed, Allard, Recruitment Requirements, H&S Training. Every member of the Force Executive has received training from the SPF through Brian Jones.

**The Promotion Inequity** – Officers not paying Sergeants and Police Inspectors to Chief Inspectors due to local application in legacy Forces. PSoS have come back to the SPF advising

that they are not prepared to go back beyond 2012. This led to a lengthy discussion and the matter has been referred back to the JNCC for a decision. It is likely if this is not resolved a legal decision will be required.

JNCC discussed other elements without significant issues. There is a move to a common pay which will affect the East due to payment in advance and arrears. The 28<sup>th</sup> of the month will be the pay date.

There were issues for a number of 'P' Division officers due to them receiving two salaries in the same month, leading to significant tax implications for a large number of officers. This was highlighted to the EAC prior to the pay date and, as a result of which, the Vice Chair spoke with payroll resulting in a letter being sent out to all 'P' Division officers offering them an interest free loan of up to £1,000, which will require to be paid back by the end of the financial year.

'C' Division officers will receive their additional payment if they requested one with their September salary and this will not be subject to taxation.

**Car Park Levy** – impact of resourcing and funding – impact that this will remove money from budget, local authorities will have right to charge £400 per car parking space.

Deep Dive Exercises

The Committee advised it is awaiting some reports from the West in relation to the final report, once these are received Paul Connelly will forward the spreadsheet to the General Secretary.

The General Secretary acknowledged how quickly PSoS reacted to the issues in 'L' Division.

**PSoS Reform** - Professor Linda Duxbury (Carlton University) presented to the JCC the emerging findings of her Welfare and Wellbeing Research. This was presented to the Executive the previous day.

It is fair to say that the Service do not cover themselves in glory in this piece of work. The results show that officers feel that the Service are ambivalent and appear uncaring of officers Welfare and Wellbeing.

**CAM Project** – it was reported that the initial roll out was going well with less volume of calls for officers to attend to.

**Digital Policing** – Dundee is coping well however, a bigger test will come with the next roll out in 'G' Division. There was some anger in 'G' Divisions with officers not being removed from OBL's to carry out online training.

**Telematics** – still not live yet however, it will go live soon.

**Annual Review of Policing** was discussed as it is felt that NHS, SWD and SAS are dumping matters onto Police. Discussions are ongoing to address these matters.

**Ill-Health Pensions and Injury Awards** - Jude Heliker is leading on this and all Ill-Health Pensions and Injury Awards will go through her prior to being presented to the SPA

**b) STANDING COMMITTEE UPDATES**

All meetings (Finance, Operational Duties and Legislation & Regulation Committees) were held in Dundee on 30 August 2019, the minutes of these have all been published on the SPF Website. The Committee were updated on the pertinent elements by the Secretary and Chair.

**c) HEALTH & SAFETY**

Prior to the meeting the Vice Chair disseminated an update to the East Area Committee Representatives in relation to Health & Safety. (**See appendix attached**).

**d) CONDUCT**

The Deputy Secretary updated those present stating that the East Area in relation to Conduct, is as ever a changing feast but a very busy one.

**PIRC** - Regular communication with PIRC is still ongoing with the Assistant to the General Secretary (Conduct). The Federation have supported numerous officers through their PIRC Interviews and this will continue therefore, it is an area of our business where she would particularly welcome assistance from **all of the East Area**, not just Conduct trained representatives. It is not a difficult but, it is time consuming and more often than not arranged at very short notice, which can be a challenge.

The Committee were asked to inform her as soon as possible if they hear of any PIRC Investigations for recording purposes as the office are not always informed. The information published on the PIRC website is scant at best and does not allow us to identify what everything is, so your assistance can help me greatly.

**CONDUCT** - the minutes of the meeting held on 5<sup>th</sup> August 2019 within the Dundee Office which had been chaired by the Deputy General Secretary had previously been circulated.

**Complaints against the police** are down, the breakdown of figures were contained within the minutes circulated. A decrease in CAP and allegations is always welcomed.

She went on to say that she was not aware of any **performance** cases in the East however, if the Committee were, they were to inform her at the earliest possible moment also, if they hear of anyone being subject to the Performance Regulations to inform her of the details. The Deputy General Secretary will be arranging training on the Performance Regulations for those on the Conduct Committee.

**PIP** - there had been 1 post incident procedures (PIP) held since the last meeting in the East Area. The case in the East Area was no longer being investigated by PIRC as it became quickly apparent that it did not meet their criteria.

PIP under the revised criteria will be used more frequently to manage instances of death and serious injury. PSoS have a cadre of around 40 PIP Managers. When we are on call we will attend if PIP is implemented in our area.

**Review of complaint handling** – Dame Elish Angelini has published her interim report which contains some 30 interim recommendations. The SPF are currently considering these recommendations.

**WhatsApp** – Update regarding losing JR but appealing which was approved at a recent JCC re-funding for appeal to inner house and to Supreme Court if required, given the implications on our member's right to privacy. There is much interest internationally in this case.

**Training** - All East Area Conduct Representatives and several other volunteers gave up their time for training, putting the East Area in a much stronger position to better support our members in need. The Deputy Secretary is hoping to hold a local meeting of **all** trained representatives to provide some further practical advice and guidance. This is hoped to be prior to the end of the year.

In summary, the East Area are in a stronger position with Conduct Reps but, the Deputy Secretary ask those present to ensure that they are providing much needed support to any member in need whether that is through a misconduct process or, indeed, through criminal proceedings. It is not practical or humanely possible that she is the only person supporting them, therefore, she will be looking to allocate cases, some purely for regular contact purposes. It is crucial that the Committee update her with all contact be it a text, call or email enabling the database to be updated accordingly.

## **e) EQUALITY & PART TIME WORKING**

An update was given by the Chair in relation to Equality and Part Time Working matters. The Committee were updated in relation to general trends within the Service and Case Law which may impact on our members.

**f) DIVISIONAL UPDATES**

**“C” Division** – the Committee were advised that a meeting had been held in August with the Commander, David Reid, Lyn Redwood & Mark Murphy all in attendance. Topics discussed included security at Falkirk, lack of air conditioning, custody process particularly PCSO processing which the Divisional Commander was progressing with CJSD. The Commander had mentioned reduction in backfill and the resources planned for Summer City being returned to division. Impact of pay date change on members had been highlighted to the Divisional Commander.

**“E” Division** – Craig Rogerson updated the Committee the Divisional Reps had met with the Commander and Superintendent Mark Rennie. Issues under discussion had been custody, particularly waiting times, impact on members on use of acting particularly the disregard of 10 qualifying shifts. Resourcing within the division and vehicle deployment particularly in relation to Peugeot motor cars.

**“J” Division**– John McEwan updated the meeting accordingly. He had met with the Divisional Commander. Discussions took place around OBL, state of the fleet, use of standby in relation to court and roll out of PDAs. The Divisional Commander updated around airwave concerns at St John’s Hospital which required £23,000 to resolve. Discussion also took place around cancellation of officers at court and the lack of communication which, was unknown by the Commander who will address this.

**“P” Division** – Update provided by Graham Ross around a meeting held on 9<sup>th</sup> August. National issues discussed included use of TASER and body worn cameras, discussion regarding multi-channel coverage within division and introduction of a crime desk hub. Concern expressed regarding the expectation of Response Sergeants as members perceive they are responsible for everything and that no impact assessment had been made. There was a lack of consistency within division around expectation of supervisors this was being discussed further at future meetings with the Command Team.

**(g) MAJOR EVENTS**

The Committee were updated around the planning for Winter City, Hogmanay and football within the relevant divisions. Committee discussed the recent HMIC Report into Event Planning in ‘G’ Division and the increase of requests to report direct when West Planning Teams were involved. Committee were reminded of the content of the EAC Circular of 2018 regarding the responsibilities of an officer and the organisation in relation to transportation and storage of equipment.

**6 NEW BUSINESS**



Committee discussed two topics that had been raised in relation to operation deployment of staff and use of compensatory rest.

**7 COMPETENT BUSINESS**

No matters of competent business were raised.

**8 DATE OF NEXT MEETING**

The next meeting will be held on Wednesday 4<sup>th</sup> December 2019.

**9 CLOSURE OF MEETING**

The Chair thanked everyone for attending and for their valued input into proceedings, thereafter wishing everyone a safe onward journey home prior to formally closing the meeting.

**Grant McDowall**  
**Secretary**

**Andrew Malcolm**  
**Chair**

## HEALTH & SAFETY

**SPF Local Reps H&S Training** - A course was held on 26th June 2019 at which two local Reps received training from the external private training provider. The SPF is running a further H&S Training Course (1-day) for new local SPF H&S Reps at the beginning of October 2019. Additional training is in the pipeline regarding carrying out H&S Inspections and the completion of H&S Accident Investigations.

**PSoS Assault/Injury Statistics** - The latest quarterly (Q1) figures pertaining to the number of officers injured/assaulted during arrest saw a 125% increase in the East Area, this is replicated across the rest of the country in terms of smaller increases. In addition, a 3 year trend has been identified showing a steady increase in these incidents. Concerns have been raised to the H&S Board and DCC Fiona Taylor has confirmed that she has been tasked by the Chief Constable to conduct an 'end to end' review regarding this issue. Work has begun and there is a group working on same, with the aim to launch "*Your Safety Matters*" which will run alongside and similar to "*Your Wellbeing Matters*". The aim is to improve the physical and psychological wellbeing of officers and staff. DCC Taylor aims to progress this project as quickly as possible. Let's hope that this project has more substance than the wellbeing one!

**Custody** - The SPF continue to engage with PSoS regarding the issue of PC-Led Custody Centres and remote supervision. SPF Reps have worked collaboratively with the Force in terms of Risk Assessments for PC-Led and Remote Supervision and they are now far more robust, and have been introduced with the guidance material disseminated to staff. PSoS are content with the current position however, the SPF have clearly articulated that the introduction of PC-Led facilities exposes SPF members, the public and PSoS to significant risk. A recent meeting with the Divisional Commander, Chief Superintendent Garry McEwan, revealed that a paper with recommendations regarding PC-Led Centres has been submitted and the Commander confirmed that it was his (and the ACC's) preferred option to re-introduce Sergeants on each shift at the three PC-Led Centres at Dalkeith, Ayr and Perth however, please note that this remains an option/recommendation at this stage and is very much dependent on budgets and potential budget increases from Government/Westminster and, sign off by the Force Executive.

**Custody - Joint Custody H&S Inspection/Audits** - All 33 primary Custody Centres located across the country are to be completed over the next 12 months in a collaborative approach, involving CJSD, H&S Team, Estates, Unison and the SPF. This is the 'gold' standard regarding H&S Inspections. Two centres have been completed to date, namely London Road in Glasgow and Falkirk.

**Throw lines** – A new model has been identified that is more robust and fit for purpose with a relatively small increase in cost that needs to be approved by the Force Executive. If approved, all current stocks will need to be recalled and replaced.

**Footwear** – Since the last EAC meeting the SPF raised concerns directly to the Chief Constable regarding queries within the Force about the decision to introduce this PPE, and the Chief Constable reiterated his decision that footwear will be provided. Work remains ongoing and due to the complexities and amount of work to be done, therefore, it is likely to take a significant period of time before the Force is in a position to introduce footwear for all officers. In terms of the footwear to be provided, it is likely that a 'patrol boot' will be introduced for all officers who undertake operational duties. DCC Taylor has oversight of this piece of work and she is keen that progress is made. Ongoing.

**Vehicles** – Police Scotland's policy is that vehicles will be replaced at 150,000 miles or, 5 years whichever comes first, with a request that any vehicles exceeding either mileage or age be highlighted to the SPF East Area Office for the attention of Stevie Clark.

**Vehicle Weights** – Further testing is being carried out by Police Scotland and the SPF on 6<sup>th</sup> September 2019 regarding two vehicle models and this should complete testing of the Force's fleet of vehicles.

**Tranman (Online Intranet Vehicle Checks/Fault Reporting** – The pilot in Road Policing and 'D' Divisions has revealed 'pass' rates are 50% and 16% respectively in terms of vehicles that are roadworthy and fully stocked regarding the nationally agreed Vehicle Equipment List. Very poor! This subject was highlighted at the Force H&S Board and DCC Taylor instructed that she wants some work done regarding this issue, to understand why the 'pass' rates are so low and, to identify a potential date for the national roll-out of the system.

**Telematics** – All data deleted as of July 2019. System remains paused as significant issues persist with this project.

**Health & Safety Training for PSoS Senior Managers** – The Force have delivered one training course regarding the H&S Assurance Model (28/08/19). There was apparently an interesting reaction from the majority of attendees, 24 in total. The SPF consider this model to be positive and that its introduction will hopefully improve the H&S culture for the benefit of Police Officers and staff.

**Physiological Resilience Pilot** – Figures are available regarding this pilot which show that 48 assessments were completed in June 2019 and 65 completed in July 2019. A RAG traffic light system is utilised. The programme is based upon voluntary referrals from individuals and is open to all officers and staff, irrespective of role. It is a questionnaire that is completed by staff, which is then assessed and 'scored' by Optima. If the individual 'scores' GREEN then no action, if AMBER then the individual is re-contacted several weeks later to assess if support is required and if Red, contact with

the individual is immediately facilitated and medical intervention/assistance is provided via Optima who run the programme. The process is confidential and the only time this would be breached would be where concerns for the individual necessitated it.

It is too early to comment on the success of the pilot. 'Face-to-face' resilience assessments are still available to those 1200 staff who are working in the list of specific roles however, it was reported that last year only 300 such assessments were carried out, which is disappointing. The SPF queried the 'list' and asked what criteria was used to come up with the roles on the list. This revealed that the Force was unsure regarding the criteria and that it was something that had been inherited from legacy Forces. It was agreed that the Force needed to do some work in this area with a view to identifying any roles that may require 'mandatory' assessments, as well as making the assessments available to all staff right across the Force task taken by the Health & Wellbeing Department.

**Non-Binary Gender Fluid Headwear** – Progress has been made on this sensitive subject with the introduction of baseball caps, which are apparently “flying off the shelves”. The Force are now considering the subject of headgear which would not be gender specific but, would provide protection in relation to health and safety concerns and in terms of PPE.

**JCC Health, Safety & Welfare Subject Committee** – Last met on 7th August 2019 and, the minutes of this meeting have been circulated to all Local Reps prior to the EAC meeting.

**PSoS Health & Safety Board** – last met on 2nd September 2019. Notable matters included:

- **Driver Training** – Work/discussions remain ongoing with TLD to address the various issues. An options paper regarding Firearms and Driver Training has been submitted to the SLB for decision.
- **Noise at Work** – A paper was presented along with noise cancelling ComTac XPI headsets available for the group to examine. 60 x ComTac XPI headsets have been purchased by the Force at a cost of £640.00 each. The headsets have been utilised already at the TRNSMT Festival and the feedback from officers has apparently been excellent. The headsets are available to all Planning Teams on request for events across the country. Samples of the Surefire earpieces (£20.00 each) that also have a noise cancelling capability (2 x earpieces – 1 plugged into the Airwave radio and the other a blank) were also available to examine. Apparently feedback regarding these earpieces have also been positive in relation to noise protection and radio transmissions, albeit they are nowhere near as effective as the ComTac headsets. It is felt that a mixture of both sets is the way forward. Surefire earpieces to be given to all officers and, the ComTac headsets retained for significant noise events, and officers deployed closest to the cause of the loud noise.
- **Proposed Assault Pledge** - COPFS have provided feedback and an amendment to the pledge, albeit they are supportive of same regarding plea bargains and prosecutions etc. Launch of the pledge is to be progressed.

- **RPE** – The judgement is still awaited regarding the legal case in Northern Ireland regarding facial hair/face masks. DCC Taylor acknowledged that progress needs to be made regarding this issue and requested that an options paper be compiled for the next Board Meeting, following consultation with all interested parties, including Optima, Legal Services etc.
- **Driving Licence Checks** - Options paper presented with recommendation that supervisors should carry out an annual appraisal. It was highlighted that we do not do annual appraisals anymore therefore, how would this option work in practice? DCC Taylor directed that she wanted further detailed work carried out regarding this issue and asked for another options paper to come back to this group.
- **Clinical Governance Group – SPELS and OST training** – Options paper currently with ACC Williams for presentation to the SLB for a decision. The recommended option is for a 2 day OST/SPELS Training Course. The new course would replace the current Moodle SPELS package with a return to practical SPELS training (4hrs) with 1 and half days of OST to be progressed with a view to a decision/approval.

**Firearms D13 First Aid Training** has been updated and approved for roll-out from April 2020.

**Israeli Bandages (tourniquets)** – Options paper submitted and being progressed and is to be linked to SPELS/OST training and abovementioned options paper.

**AED's (defibs)** – Regarding national provision/carriage in all vehicles, an Options paper is to be submitted. Work remains ongoing.

- **National Vehicle Equipment Group Update:**

**Breath Test Screening Devices** – Issues regarding ICT, information management and training. The Force have approved a dedicated Sergeant resource for 3-6 months to address these issues.

**Life Jackets** – Issue regarding annual servicing, cost and practicalities of same. Work is ongoing.