



# Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## JCC Circular 1 of 2020

Ref: CS/DJK/LS

20 January 2020

Attachments: JCC Minutes November 2019

Dear Colleague

### **JCC Minutes November 2019 – Information**

I refer to the above and attach herewith the Minutes from the JCC meeting on 5<sup>th</sup> and 6<sup>th</sup> November 2019 which will be considered for approval by the JCC at its meeting on the 11<sup>th</sup> and 12<sup>th</sup> February 2020.

Whilst this circular is primarily for your information, any comments you have on its content should be notified to me no later than ten days after its date of publication.

Yours sincerely

**Calum Steele**  
General Secretary



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## **Joint Central Committee Minutes**

Minutes of the meeting of the Joint Central Committee held on Tuesday 5th and Wednesday 6th November 2019 at the SPF Training and Meeting Facility, Unit 29, City Quay, Camperdown Street, Dundee, DD1 3JA

### **1. Attendance And Opening**

#### SPF Office Bearers:

|                  |                               |
|------------------|-------------------------------|
| Calum Steele     | General Secretary / Treasurer |
| David Kennedy    | Deputy General Secretary      |
| Andrea MacDonald | Chair                         |
| David Hamilton   | Vice Chair                    |

#### North Committee:

Nick Clasper  
Gordon Forsyth (Day 1 only)  
Neil Macdonald  
Scott MacDonald  
Ross Polworth  
David Threadgold

#### East Committee:

Stephen Clark  
Ricky Wood  
Heather Macdonald  
Andy Malcolm  
Grant McDowall  
Graham Ross

#### West Committee:

Paul Connelly  
Catherine McNally  
Gary Mitchell  
John Munn  
Adam Peppard  
Jenny Shanks

#### Assistants to the General Secretary (AGS)

Amanda Givan (Conduct)  
Nigel Bathgate (Equality)  
Brian Jones (H&S)

#### Also in attendance

|                  |                                |
|------------------|--------------------------------|
| Doug Keil        | Business Manager               |
| David Ross       | Policy & Co-ordination Officer |
| Lesley Stevenson | Business Administrator         |

#### Observers

|               |                 |
|---------------|-----------------|
| David Reid    | East Committee  |
| James Thomson | North Committee |

Apologies were received from Gordon Milne who was replaced by Scott MacDonald and Gordon Forsyth on Day 2 who was replaced by James Thomson.

The Chair opened the meeting, welcomed everyone and thanked them for their attendance. She gave a special welcome to Ricky Wood who was attending his first meeting since replacing Steven Herd on the JCC.

It was noted that Superintendent Paul Wilson would attend the meeting later that day to give an update on the new Emergency Service Network.

Standing Orders were adopted for the duration of the meeting.

## **2 Minute of Previous Meeting**

The Minute of the previous meeting was circulated with JCC Circular 47 of 2019 and following the correction of minor typographical errors, was accepted as a true record.

## **3 Election of Vice Chair (elect) of the JCC**

Paul Connelly, Amanda Givan and Brian Jones had intimated their intention to stand for election for this post.

Prior to the formal election process commencing Neil Macdonald asked about the national full time office bearers portfolios and whether there were any plans to change them. The Chair and General Secretary explained that the portfolios changed from time to time in accordance with the skills and experience of the post holders but that there were no intentions for substantial changes to the role portfolios.

The three candidates were proposed and seconded in line with Rules and were given an opportunity to address the JCC for a period not exceeding five minutes.

Following the presentations, a ballot was held and Brian Jones was elected. The Chair was given approval for the election ballot papers to be destroyed.

## **4 Legal Advice and Assistance**

The Deputy General Secretary informed the Committee that since the last meeting 64 new applications were approved for consideration of legal advice and assistance.

These comprised 46 in the West; 17 on duty and 29 off duty, 8 in the East; 2 on duty and 6 off duty and 10 in the North; 8 on duty and 2 off duty.

These included 19 criminal legal defence cases; 8 RTAs; 16 personal injury cases; 10 employment dispute cases (officers); one employment dispute (ex-officer); four contract disputes; one misconduct case and five miscellaneous cases. No cases had been rejected since the last meeting.

The Committee noted that there were currently 353 live cases and 73 cases had been closed since the last meeting.

## **Allard & Others v Devon and Cornwall**

The Deputy General Secretary gave an update and said that the SPF was taking legal advice as to how best to proceed. He said that claimants would be kept advised.

### **Holiday Pay Claim**

The Deputy General Secretary gave an update on the current position of the holiday pay claim and said that further and better particulars were being sought from those involved.

### **WhatsApp**

It was reported that the appeal date had been set for February 2020 at the Court of Appeal. One further officer had been affected by the seizure of phones. Further misconducts investigations were expected. The AGSC said that no guidance had been issued and placed members in danger regarding potential proceedings. Members discussed the provision of personal details, including the supply of mobile numbers as SCOPE records were being used to corroborate details. It was noted that timing was crucial particularly regarding what can be deleted. The General Secretary highlighted that in regulatory terms, a personal record must only contain a home address and a contact telephone number.

## **5 Police Negotiating Board (PNB)**

The Committee noted that a new Guide to Negotiable Conditions was being progressed and would be published in 2020.

The General Secretary reported that the PNB meeting scheduled for 10 September 2019 was cancelled. Dates for 2020 meetings had yet to be set.

The General Secretary said that a meeting of the PNB TWG was held on 28 August 2019 and at that meeting, it was reported that there was not much progress in relation to college allowances. Qualifying criteria for temporary/acting ranks was being reviewed. Work continued on the issue of temporary/acting ranks and promotion. Little progress was made in relation to overseas allowances and it was noted that those affected should refer to the Foreign & Commonwealth (FCO) guidance document on overseas allowances until a new agreement had been reached.

The Deputy General Secretary gave an update on the PNB Equality Working Group that was held on 23 October 2019 and said that items discussed included the Flexible Working document which was yet to be agreed. It was hoped that a revised document would be available for the next meeting. A formula had been agreed for the Equal Pay Audit and information had been circulated to members. The next meeting of the EWG was scheduled for 27 November 2019.

The Committee discussed COP26 and Andy Malcolm asked if the matter could be placed on either the TWG or PNB agenda seeking some form of recognition and compensation for the additional work which would be done by members during this event. The General

Secretary queried whether this was for inspecting ranks or all ranks and was informed it should be for all ranks.

## **6 Pensions**

The General Secretary reported that there had been no Scheme Advisory Board meeting since the last JCC meeting. Members noted that the date for the next meeting had still to be set but would likely be influenced by timings related to the remedy for the Judges and Firefighters pension rulings.

The General Secretary reported that the SPPA had issued a number of circulars since the last meeting; one to advise of the issuing of annual benefit statements, and another advising of the appointment of a new provider for medical appeals. He took the opportunity to advise that where members were considered to have pursued spurious medical appeals, it created the potential they could be personally liable for the cost of that appeal (£7,000).

He reported and answered questions on the UK Police Pensions Consultative Forum (UKPPCF) that was held on 1 October 2019. This meeting now runs co-terminously with the Scheme Advisory Board (E&W).

He reported that the Forum had noted that transfers from BTP to PSoS should be easier in the future. The issue of the Scheme sanction charge (applicable in some instances where the combination of commuted pension and the applied multiplier resulted in the exceeding of a HMRC threshold) had been discussed. The issue is mainly of relevance to E&W at this time. He also reported that despite the four yearly re-evaluation of the scheme being completed the Treasury had imposed a pause on the improvements to employee benefits, whilst applying the increased costs to the employer. The legality of this was being examined.

The General Secretary reported that AVCs were transferring from Equitable Life. This was likely to be relevant to a tiny number of members (due to the costs of AVCs).

He reported on the known position with the judges and firefighters pension appeal (McCloud & Sargeant) and advised that the SPF, along with all the UK police staff associations has applied for, and been granted interested party status in the remedy hearings.

He reiterated that there is a legal difference between proceedings in E&W, to those in Scotland (and Northern Ireland). Whilst it was considered inevitable all cases would conclude along identical lines, there were in fact jurisdictional differences. He reminded the Committee that all Scottish cases have been sisted (and at the time of the meeting remain so) pending progress on the cases in E&W.

The General Secretary explained the Government had been clear that the remedy to the discrimination will apply to non-claimants. He stated that some of those associated with the 'pension challenge' had nefariously suggested this was incorrect. Their motivations for doing so were unclear. He went on to explain that the issue of injury to feeling was however a separate matter and this was not part of the remedy being applied. It was clear that the question of injury to feeling was being conflated with remedy. He further

explained that this issue was subject to extensive discussion between the staff associations and relevant departments. He concluded by advising of the legal options that were open to the SPF.

The General Secretary detailed the known timeframe for the remedy process. He explained that a number of issues, for example member contribution rates, and recalculation of annual allowance, would be issues that would require to be considered in the longer term. Members should be alert to both these considerations.

The Committee discussed the question as to whether the SPF should be meeting the legal costs of members who may have elected to pursue action through the 'pension challenge' group. The Committee was unanimous in its view that this should not occur.

The General Secretary thereafter responded to a number of additional questions from members of the Committee.

The next meeting of the UKPPCF / SAB (E&W) had yet to be set but would take place early in the New Year.

The Vice Chair reported that there had been no meeting of the Scottish Police Pension Board (SPPB) since the last meeting but the Police Pension Practitioner Group and the Service Improvement Group (SIG) had met on the 11<sup>th</sup> September and discussed the issue of annual allowance and letters and guidance to members particularly where a member may be in more than one occupational pension scheme. The SIG had agreed an approach to ensure that guidance would be prepared to help members comply with annual allowance tax obligations. The Vice Chair reported that the good practice developed by the SIG was being used as a template for the other public sector pension schemes in Scotland.

The Vice Chair reported that the SPPA services portal was being developed but no calculator was in use as yet.

The next meeting of the SPPB was scheduled for the 13<sup>th</sup> November.

## **7 Scottish Police Consultative Forum (SPCF)**

The General Secretary reported that the meeting scheduled for 10 September 2019 was cancelled. A meeting was held on 3 October 2019 where promotion pathway processes and the future role of the SPCF was discussed. Members noted that the date of the next meeting had still to be set.

## **8 Scottish Police Authority (SPA)**

The Vice Chairman reported that the SPA resources Committee met on the 11 September where the most useful subject under consideration was the costs of the policing of parades.

The Full board of the SPA met on the 24 September and the most significant issue presented was a paper from the Service on the challenging finances it faced. This paper laid bare the brutal reality of the finances, including the structural deficit. The paper also

highlighted that 750 officers would require to be lost in order to balance the books. In addition to this the risk of local authorities withdrawing funding for the 300 officers they funded directly was also made clear.

The General Secretary reported the Partnership Forum had met on 29 August 2019 and that he and the Vice Chairman attended. The meeting concentrated on a number of issues, not least the police budget and numbers; strategic objectives and demand and productivity. He and the Vice Chairman agreed that despite what appeared to be a consensus at the meeting, they were left disappointed when the Chair of the SPA effectively broke the consensus by suggesting the SPF should abandon its fixation with police numbers.

Nigel Bathgate requested that the issue of ill health retirements and the time they take to be raised at the next meeting of the Forum.

The General Secretary drew the Committee's attention to the papers that were circulated with the JCC agenda and in particular those on Health & Safety, police wellbeing, ill health retirements, and the injury award processes. The significance of these papers and relevance to members was reinforced. The General Secretary noted that whilst time pressures are likely to be a consideration, their contents should be digested for debate at Area Committees.

The Committee discussed these issues and considered the HMICS review of the SPA and other matters it deemed germane to the subject of the SPA.

The General Secretary and Vice Chairman shared their view that the standard of scrutiny by the SPA was a bad as it had ever been, despite the board members being of considerable quality. The General Secretary specifically identified that the authority appears fixated on finding justification to reduce police officer numbers, the Vice Chairman continued that it also appeared members of the SPA were not reading papers in advance of the SPA.

The next meeting of the SPA is scheduled to be held on 27 November 2019.

## **9 Scottish Police Budget & Finance**

The General Secretary reported that given the dependencies with the UK budget, the General Election had thrown considerable doubt on the budget process for the Scottish Government, which in turn would add to the uncertainty facing the police service.

He reminded the meeting that but for Brexit preparations the service should already have lost 400 officers this year. The "Brexit Reserve" has been paid for with one off additional funding from the Scottish Government. This however was a short term fix as the underlying structural deficit of approximately £68m remained. When the uncertainty of the funding for the 300 local authority funded officers was brought into consideration, the risk of losing 1,000 officers in 2020 was real.

Members also discussed the considerable problems created by a lack of capital funding, and not just in respect of transformation projects. They said they had significant concerns

about the estate and the fleet and urged that the SPF continuing to lobby hard for improvement.

The totality of these concerns were exacerbated with the pressures PSoS would be under next year with the Conference of Parties Climate Summit (COP26) etc. being held in Glasgow in November 2020.

The Committee considered that despite the financial challenges, the COP26 summit should provide opportunities for the service to draw additional funding given the demands this would inevitably place on policing.

The meeting noted that the service was due to run out of money in February 2020. It was inevitable that the Scottish Government would address this shortfall. It was however far from clear if this would be by additional funding or by adding to the deficit. The latter was considered most likely.

## **10 Scottish Parliament & Political Engagement**

The General Secretary reported on the Justice Sub-Committee and other Committees where amongst the issues discussed were the UEFA Bill, facial recognition (upon which the SPF submitted written evidence), custody hubs (about which the SPF would be appearing before the justice subcommittee later in the week), age of criminal responsibility (which has now seen the formation of a cross sector working group following the concerns and workability issues identified by the SPF), and the car park levy, which has now been passed into legislation.

He also reported on the political party conference season and the forthcoming legislative programme and expected activities of the Justice Committee. He reported it was likely the Justice Committee attention would shift toward prisons. There was the potential that the Health, and Justice, and/or Justice Subcommittee could undertake a joint inquiry into issues associated with drug misuse and associated deaths.

## **11 Joint Negotiating Consultative Committee (JNCC)**

The General Secretary reported on the meeting held on 5 September 2019 where amongst the matters discussed were part time officers and pensionable pay, target operating model, afternoon citations, response to violence and age of criminal responsibility.

Specifically the General Secretary reported that the SPF had identified a risk that some part time officers may not be receiving full pension entitlement when they worked additional hours (up to 40 hours). This appeared to be down to the mistaken recording of additional hours overtime at straight time, rather than simply "additional hours". The JNCC agreed this matter should be remedied as a matter of urgency

The Deputy General Secretary reported that a "response to violence" working group had been established under the chair of DCC Fiona Taylor. This group was now attended by himself and Amanda Given and appeared on first impressions to be taking the issues of how the service responds to violence against its officers.

The General Secretary also reported on the Working Practices Review Group; the People and Operations Delivery Group; the SoP & Policy Sub Group and the Promotion & Development Policies and Procedures Sub Group.

The Vice Chairman reported that the resolution to dog handlers' allowances which was expected later in the month and the Pay on Promotion questions which were being actively addressed.

## **12 Finance Standing Committee (FSC)**

The Finance Standing Committee met on 8 October 2019 and the Minute was circulated with JCC Circular 48 of 2019.

The Committee noted and endorsed the continued SPF support to the following charities; Glasgow Children's Hospital Charity (former Yorkhill Children's Hospital), Maggie's Cancer Care, and MND Scotland.

The Committee discussed and updated the Financial Risk Register.

The General Secretary reported that coffee machines and branded cups were being installed and supplied in P, D and V Divisions as part of a pilot. He advised this was part of a longstanding drive to improve officer wellbeing and this was being done with ancillary supporting commitments from the service.

Separately in the meeting the Committee endorsed the authorization of the General Secretary to spend money on high profile advertising and PR campaigns in an attempt to influence the Scottish Budget process if this was deemed necessary or appropriate at the time.

The next meeting is scheduled for 21 January 2020.

## **13 Legislation and Regulation Standing Committee**

The Legislation and Regulation Standing Committee met on 8 October 2019 and the Minute was circulated with JCC Circular 48 of 2019. The General Secretary reported that he had been asked about the SPF view on legally qualified chairs for conduct hearings. Members discussed this and expressed a preference for independent non-legally qualified chairs. SPF was also of the view that the service was too quick to go to gross misconduct, that the "prosecutor" was often junior to the "judge" and that the PAT should comprise three legally qualified persons.

The Committee considered a recommendation from the Standing Committee and adopted a codicil to the Standing Orders in relation to quorums as follows:

### **Codicil to Standing Order 2.2**

'50% of the normal membership' means 50% of the number of posts filled at that time. This will be a quorum providing this amounts to at least 1/3 of the total posts.

## **Explanation**

The quorum for some Committees, perhaps particularly some Area Committees, can be an area of concern where not all available places are filled. In such a case 'normal membership' should be taken to mean the number of posts filled at the particular time. For example, if the West Area Committee had a total of 50 of its 66 posts filled a quorum would be achieved with 26 members (50% + 1). However if a rank Committee only has 10 of its 22 vacancies filled a quorum would not be achieved unless 8 of the ranks were present as this would be the minimum required to achieve at least 1/3 of the total posts.

The next meeting was scheduled for 21 January 2020.

## **14 Operational Duties Standing Committee**

The Operational Duties Standing Committee met on 8 October 2019 and the Minute was circulated with JCC Circular 48 of 2019. The Deputy General Secretary would be attending the Gold Command meetings for COP26.

The Committee noted that whilst COP26 was a year away, that time would pass quickly and noted that demands would be exceptional from the populating of a planning team, through to the number of officers required for public order. The Vice Chairman indicated every force in the UK would be called upon for mutual aid.

The Committee raised no other issues beyond those in the minute.

The next meeting is scheduled for 21 January 2020.

## **15 Conduct Committee**

The Conduct Committee met on 29 October 2019 and the Minute of that meeting was circulated with JCC Circular 53 of 2019. The Committee considered that minute and raised no additional matters.

The next meeting is scheduled for 14 January 2020.

## **16 Equality Committee**

The Equality Committee met on 22 October 2019 and the Minute was circulated with JCC Circular 51 of 2019. The AGSE asked for examples, good and bad, relating to flexible working. The General Secretary thanked the AGSE and Jayne Monkhouse for the case summaries they had submitted which he said were very helpful.

The next meeting is scheduled for 28 January 2020.

## **17 Health and Safety Committee (H&S)**

The H&S Committee met on 21 October 2019 and the Minute was circulated with JCC Circular 51 of 2019. The AGSH had circulated a paper prior to the meeting which was noted. Members discussed new body armour, footwear, H&S and fire regulations in

custody. The AGSH reported that it would cost £250m to address all estate issues and he was to write to James Bertram in this regard.

The next meeting is scheduled for 15 January 2020.

## **18 SPF Training**

The Vice Chair gave an update and said that a further two basic courses were planned for 2019 which would mean that only three representatives remained untrained. Thanks were given to David Ross for the work he had done in relation to this matter. Suggestions for future training requirements were to be sent to the Vice Chair (Elect).

## **19 JCC Circular**

The following JCC Circulars had been issued since the last meeting:

- 38/2019 JCC Agenda and Papers August 2019 – Information
- 39/2019 Sex / Disability Discrimination – Information (not for general publication)
- 40/2019 Conduct, Equality & H&S SC Minutes July/August 2019 – Information
- 41/2019 SPF Rules, Regulations & Standing Orders – August 2019 – Information
- 42/2019 SPF Expenditure Policy & Processes – Information
- 43/2019 Vetting Manual of Guidance – Draft – Version 1.02 – Consultation
- 44/2019 SP - Justice Sub Committee on Policing – PSoS Custody Hubs – Consultation
- 45/2019 PSoS Promotion Processes – Information
- 46/2019 Fleet Strategy 2019 – Consultation
- 47/2018 JCC Minutes August 2019 – Information
- 48/2019 FSC, L&R, Operational Duties SC Minutes October 2019 – Information
- 49/2019 Employment Tribunal – Information (not for general publication)

## **20 Police Service of Scotland Reform**

The Vice Chair had attended a meeting on 20 September 2019 where demand and productivity was discussed. He reported that 2026 was now to be “Serving a Changing Scotland” and that the projects were to continue with a new three year strategy. He said a target operating model was being developed but a lack of funding had meant that some work had been stalled.

## **21 SOP Consultation**

The Committee noted the SOPs that were not issued for consultation since the last meeting.

- 31 October Social Media (Police use of) draft version 0.05
- 1 November Cyber Kiosk Toolkit v0.17/Associated EqHRIA
- 4 November Road Safety & Road Crime Strategy 2019-2020/Associated EqHRIA

## **22 EuroCOP/ICPRA**

Members discussed the autumn meeting held on 23/24 October where a number of relevant issues were debated. Neil Macdonald said that the wider perspective gained at the meeting was very useful. It was noted that the EuroCOP Congress, scheduled for

November 2020 in Edinburgh, was now to be held after COP26. The next meeting of EuroCOP is to be held in March 2020 and invitations would be sent out for those wishing to attend.

It was reported that the next meeting of the International Council of Police Representative Associations (ICPRA) would be held on 8-9 June 2020 in Glasgow.

## **23 Police Related Charities**

### Police Treatment Centre (PTC) & St George's Trust

The AGSE reported that work was progressing on the extension at the Centre, there had been issues relative to water with South Yorkshire Water which were now resolved.

Donations to the St George's Trust had dropped below 80% for the first time in Scotland. The AGSE said that officers should be encouraged to sign up to the Trust. It was noted that the PSNI Benevolent Fund incorporate the subscriptions for all members.

### Scottish Police Federation Bravery Awards

It was noted that 19 officers would be receiving awards with seven Bravery Awards and two special awards being given out. Colin Mackay would be hosting the event.

### Police Care UK

The Chair would be attending a meeting on 7 November 2019 where it was expected that the main item discussed would be the partnership with the PTC.

### National Police Memorial Day (NPMD)

It was noted that the event had passed and positive feedback had been received. The next event would be held in Lincoln on 26/27 September 2020.

### Scottish Police Memorial Trust

It was reported that the event had gone well and was well attended. The next memorial service is scheduled for 2 September 2020.

## **24 Motion**

Members discussed the following motion which was submitted to the JCC from the West Area Committee:

*That this West Area Committee asks the Joint Central Committee to amend the Scottish Police Federation Policy. If an officer elects to take maternity/adoption leave beyond full pay (currently 18 weeks 2019). That member shall be entitled to remain as a member of the voluntary fund for the reduced fee of £1 per month for the duration of their maternity/adoption leave up to a maximum of one year, not including a career break.*

**After discussion the motion was defeated.**

Members discussed the following motion which was submitted to the JCC from the H&S Committee:

*"That the Health & Safety Committee recommends to the Joint Central Committee that all Area Health & Safety leads be NEBOSH trained and all Area Health & Safety representatives be IOSH trained."*

**After discussion the motion was carried.**

**The Chair left the meeting at 1245hrs and the Vice Chair presided over the rest of the meeting.**

**25 Correspondence**

The General Secretary told the Committee that a file containing all relevant correspondence received by him was available to be seen.

**26 Competent Business**

Gary Mitchell raised the SPF Expenditure Policy and the ability of Areas to make spending decisions. He also mentioned equipment for representatives and it was agreed that this would be further addressed with the Business Manager.

**27 Closure**

The Vice Chair thanked everyone for their attendance and inputs at the meeting and advised that the next meeting would be held on 11/12 February 2020 in the SPF Training and Meeting Facility, Unit 29, City Quay, Camperdown Street, Dundee, DD1 3JA.

He closed the meeting by wishing everyone a safe journey home. A vote of thanks was given to the Chair and Vice Chair.

**Andrea MacDonald**  
**Chair**

**Calum Steele**  
**General Secretary**