



Scottish Police Federation North Area Committee

Minutes of the 4th quarterly meeting of the Scottish Police Federation – North Area Committee held on Monday 2 and Tuesday 3 December 2019 at the SPF Conference Centre, Dundee.

1. Members Present

Full Time Officials

Gordon Forsyth	Chair
Neil MacDonald	Secretary
Davie Threadgold	Vice Chair
James Thomson	Deputy Secretary
David Hamilton	Vice Chair (Day 2 only)
David Kennedy	Deputy General Secretary (Day 2 only)

Constables	Sergeants	Inspecting Ranks
Mike Purdie	Kevin Hird - Observer	Neil Cameron – Day 1
Andrew Horne	Simon Lewis-Dalby	Scott Macdonald
Mark Douglass	Martyn Turner	Nick Clasper
Ross Polworth	David McAlpine	James Rice
Linsey Burns	Bruce Crawford	Gordon Milne
David MacKay	Pat Nicol	Emma Bowman
Shirley Moran	Caroline MacNaughton	
Sandy Smart	Alan Devine	
Gary Johnston		

2. Opening of Meeting

The Chairman opened the meeting and welcomed all members present and he encouraged everyone present to take an active part in the meeting and to contribute to discussion and debate. He extended a warm welcome back to Mark Douglass following his re-election to the North Area Committee.

3. Apologies for Absence

Apologies were received from:

Fionnuala McPhail – Work commitments
Graham Smith – AL
Neil Cameron – Day 2
Megan Heathershaw – Work Commitments
Andy Sawers – AL
Fraser Robertson – Work Commitments
Lesley Fraser – AL

4. Approval of Previous Minutes

The Minutes of the previous meeting which were circulated in advance of the meeting were formally approved having been proposed and seconded by Caroline MacNaughton and Martyn Turner.

5. Rank Committee Meetings

Separate Rank Committee meetings were held as per the individual Agendas.

6. Group Workshops

The Committee split into three groups and received an input/Q&A session from the leads in Health & Safety, Conduct and Equality.

7. Matters Arising Action/Decision Log

The Secretary took the Committee through the Action / Decision Log and the updates were provided to the Committee.

8. Standing Items

8.1 JCC Update

The Joint Central Committee (JCC) is the statutory embodiment of the Scottish Police Federation (SPF). The role of the JCC is to discuss and co-ordinate SPF policies and come to decisions that have the approval of the majority of the JCC and which are then supported publicly by the JCC as a whole. It should then make sure that the decisions of the JCC are actually carried out. The Secretary gave an update.

The Minutes will be circulated when they are received.

The Agenda comprised the usual items.

Points of Note:

- **Vice Chair** – Brian Jones, Assistant to the General Secretary (Health & Safety) was elected as the Vice Chair following an election between Paul Connelly and Amanda Givan.
- **AGS (Health & Safety)** – Following the election of Brian Jones, a JCC Circular seeking election of a new AGS at the February meeting of the JCC is expected.
- **Legal Update** - 353 Live Cases, 73 closed since last meeting, 0 rejected. 13 claims settled, £207,840 paid to members, £20k in the North.
- **Allard (On Call Recognition)** - This case continues and papers have been lodged with Court of Session on behalf of affected officers. Information continues to be gathered and an ongoing request for an Independent Commissioner to review data held by the Service is being considered by the Courts.
- **Holiday Pay** - Claimants have been contacted direct following the judgement in Northern Ireland (Alexander Agnew v PSNI). This focuses on the issue of three month breaks and the unique status of officers who are unable to control when they receive leave as this is controlled by the Service. This case is being appealed and will likely result in a Supreme Court Case, if that was to happen and, upheld, this would be binding on all of the UK. (Currently only in NI). The Agnew case could allow appeals to be heard back to 1998 or, date of joining, whichever is earlier. Claimants have been provided with individual information and asked for their input and desire, there is a current offer from PSoS.

PSoS have agreed a formula for Holiday Pay – this will be calculated annually and paid in November (this only applies to allowances and paid overtime).

- **WhatsApp** – An appeal date has been set for 22 February 2020, its set down for two days at the Court of Appeal. It was reported that a further officer has been affected by the seizure of a mobile phone – this further highlights the impact on the view of the initial Judge in the WhatsApp case, in relation to Article 8 of the ECHR, depending on the view of whether this right has been violated.

The AGS for conduct highlighted that no guidance has been issued in respect of this and places our members in danger in respect of potential proceedings. There were questions around the provision of personal information, including supply of mobile numbers, as it is believed that SCoPE records are being used to corroborate details. Timing is crucial, particularly around mobilisation plans – the issue of messaging systems and what can be deleted as it will be held on third parties, there are costs involved in having other phones or numbers.

The Regulatory position in terms of personal record – provides officers must contain a home address and a contact telephone number (not necessarily your own), **it is a contact number.**

We have concerns that these phone numbers are being used in investigations. The behaviour of many officers on social media platforms is questionable, this places responsibilities on those as administrators and supervisors. If guidance is issued, it raises questions around the expectation of members conduct.

There was general discussion around the WhatsApp case where the Vice Chair gave his overview regarding conduct issues and the Deputy Secretary spoke about his previous role in ACU advising the Committee that in the first instance PSoS look on SCoPE then social media.

Police Negotiating Board (PNB) – this was established by an Act of Parliament in 1980 to negotiate the pay and conditions of Scottish Police officers and is exclusive to Scotland as there is now no PNB elsewhere in the UK. This is set up from the **Staff Side** who are the Scottish Police Federation (4 members), ASPS (Association of Scottish Superintendents) (1 member) and the Scottish Chief Police Officers Staff Association (1 member) and the **Official Side** which consists of The Scottish Government (1 member), the SPA (Scottish Police Authority) (3 members) and Chief Constable (2 members).

The General Secretary reported that the PNB meeting scheduled for the 10 September 2019 was cancelled.

The next scheduled meeting for 2020 PNB has yet to be set.

The following matters were discussed at the meeting of the PNB Technical Working Group on 28 August 2019.

Guide to Negotiable Conditions is being progressed, its 85% complete and should be published in 2020, hopefully the first quarter.

Official Side wished a review of college allowance, its purpose and whether it is applicable – should there be wider consideration of disturbance when examined at Corporate Services or at Gartcosh. This continues to be debated.

Temporary / Acting Ranks – the position and qualification criteria, there will be required change in terms of Regulation particularly around pensionable pay. Temporary salary attracts pensionable salary – there is a qualification issue around Temporary but that is not applicable for Acting. Unlikely to see considerable progress around this.

Overseas allowance continues to be an issue – those affected should refer to Foreign and Commonwealth Office Regulations and Allowances should they find themselves overseas. This is a complicated picture depending on role – whether it is operational -

use of warranted powers etc. Training have used HMRC allowances for overseas deployment, there is no Regulation that supports this however have been paid in the past for the right reasons.

Operational deployments are based on the type of accommodation that they are in, whether breakfast is included etc. There is nothing that details an entitlement other than custom and practice, the allowances do not operate out with the UK. Going forward there is likely to be a 2 tier approach – training where members appear to be happy with the experience gained and compensation provided. This is likely to be different from the Operational Perspective – investigations, presentations, prisoner escort. There appears to be a lack of awareness of where officers are deployed, this is not managed centrally and is being done on an ad-hoc locally managed basis. Questions around the vulnerabilities of whether they have permission and are acting lawfully.

COP 26 – Was discussed at length. It was decided that we shall seek a form of recognition and compensation for the additional work and impact on all affected officers during that time. At this time it is not known what this will look like, however we will have further information nearer to the event.

Scottish Police Consultative Forum (SPCF) - runs along with PNB and has the same Independent Chair (Ian McKay). Their functions are not set out in legislation however, Scottish Ministers have a statutory obligation to consult the policing stakeholders before making any changes to the Regulations covering a wide range of non-negotiable matters which affect Police Officers in Scotland and look for them to be agreed through discussions prior to being made.

The General Secretary reported that the meeting of the SPCF on the 10 September 2019 was postponed. A meeting of the SPCF took place on the 3 October 2019 which primarily focused on Promotion Pathway. SPCF sought input of agenda items which were provided by attendees. There is no date set yet for the next meeting.

Pensions

The UK Police Pensions Consultative Forum (UKPPCF) took place on 1 October 2019 where the following items were discussed;

Integration of BTP – this will be likely in Home Office Forces rather than Scotland. Over 55 – Impact of scheme sanction charge and multiplier, if that exceeds 20 then there are 2 charges – one for the member and one for the organisation – in E&W it is entirely borne by the member – there are ongoing discussions taking place to rectify this situation.

Cross Charge – 4 year review – this was completed prior to Judge’s case – this was valued as increased costs for the employer, this was paused by Treasury and the benefits were not passed to members. Treasury have provided legal rationale and this is being

reviewed by staff associations. This relates to previous updates when it was announced that the Treasury did not upgrade benefits into the 2015 Care Scheme.

AVC (Additional Voluntary Contributions) – Equitable Life – small number affected who had made additional voluntary contributions. In relation to this AVC's were made by officers to enhance their pension. If an officer was contributing 11% in the old schemes they could increase their contributions to 15%, however this was not matched by Government or Local Authority so effectively 20 years contribution equated to around one year pensionable.

PENSION BOARD – meeting took place on 13 November 2019.

Annual allowance statements – desire to be clearer including where they went for help, need to act upon the charges. When pension grows in a financial year, this is done on a scheme by scheme basis.

Members Self Service Portal – SPPA driven to enable members to review pension and pension benefits, once launched it will provide information on pension value, annual allowance, benefits statement, update personal details for nominations.

McCLOUD SERGEANT (Judges/Firefighters) – Members will have noted that UK staff associations made an application as an interested party in the ET for police cases. This is due to implications for police and members. Staff associations have never sought to undermine any claims. The judgement was scathing of approach adopted by Leigh Day, who were accused of wasting, time and money.

From the beginning there is a distinct difference between England and Wales, Northern Ireland and Scotland, this is down to all three having separate laws– it is inevitable that these will all align however there are three different jurisdictions – the conclusions in each area will probably mirror England and Wales. The Employment Tribunal has issued an interim ruling, pending final determination of issues by reasons of age, they are required to treat everyone the same and transitional protection must be provided up to 2022 (this could make some individuals worse off if they are removed from the CARE scheme, particularly 2006). Contrary to rumours **Schemes have not been re-opened.**

The question of compensation in relation to injury to feeling remains unresolved – there is no indication around this and what Home Office are going to do if awards are being made to claimants and will be extended to non-claimants. There is an argument that by virtue of interim order that this has started the clock for any non-claimants. England & Wales are taking legal counsel on whether we need to lodge claims on behalf of all members. This question has been posed to Scottish Government – the easiest solution is to give injury to feelings – likely for 90k claims which will bring ET to a standstill (10k in Scotland).

This matter would be potentially resolved by Vento bands.

- **Vento bands** are tiered values for compensation for [damages](#) payable for [injury to feelings](#) and psychiatric injury awarded by the [Employment Tribunals](#) of England and Wales and of Scotland. Their name is derived from the case of [Vento v Chief Constable of West Yorkshire Police](#) when the [Court of Appeal of England and Wales](#) identified three broad bands of compensation for injury to feelings awards which were distinct from compensation awards for psychiatric or similar personal injury.
- The lower band was initially set at £500 to £5,000 (less serious cases); the middle band was set at £5,000 to £15,000 (cases that did not merit an award in the upper band); and the upper band was set at £15,000 to £25,000 (the most serious cases), with the most exceptional cases capable of exceeding £25,000.
- Following the decision of the Court of Appeal in England and Wales in *De Souza v Vinci Construction (UK) Ltd.* [2017], the Presidents of the Employment Tribunals in England and Wales and in Scotland launched a consultation exercise on 20 July 2017 on proposed changes to the bands and, supported by a majority of responses in favour of raising the bands, they were updated with effect from 11 September 2017.
- The revised bands will consist of a lower band of £800 to £8,400 (less serious cases);
- a middle band of £8,400 to £25,200 (cases that did not merit an award in the upper band);
- and an upper band of £25,200 to £42,000 (the most serious cases), with the most exceptional cases capable of exceeding £42,000.^[2]

Conflicting views around success of Injury to Feeling (ITF) – No guarantee of success – Leigh Day will push hard on ITF which is the justification of the claim and claimants – if ITF is made then costs of Leigh Day will be recovered from this, it is unclear if the fee is being based on ITF or total recovery of pension benefit which will be high. Final wording to be agreed by parties, date established in January or February and final publication in May of joint statements.

ET needs to have in their consideration – pension contributions are based on the pension benefit accrued overtime, there is likelihood of pension benefit accrued in CARE and there is a possibility and any shortfall in pension contributions will require restitution by members or whether the scheme will bear this cost.

Reference can be made to a copy of an Equality and Human Rights Commission of “How to work out the value of a discrimination claim” in a folder, along with the *De Souza v Vinci Construction*.

Annual allowances are complicated – these focus on growth – if retrospective benefit is applied, this may result in breaches of annual allowance; this may not have breached in the CARE but may result in a tax charge and bear in mind if (less than 2k) this will need to be paid by the member.

WHAT ARE WE DOING IN SCOTLAND – The General Secretary has already met with lawyers to prepare lodging 10,000 claims of affected members. This will require filtering

of members around this. As only one claim per affected person can be made then we will require to filter those already in the Leigh Day scheme.

This will potentially result in a pragmatic approach by the Scottish Government with regards to injury to feelings, however bear in mind these are individual to each person. There is a potential for further appeals to High and Supreme Court.

ET findings on Injury to Feelings is based on **individuals and doesn't apply across everyone, it is not binding unless applied by Supreme Court**. Further meetings with solicitors on 13 and 14 November 2019 are scheduled around this to safeguard members, further meeting with UK staff associations and legal teams took place on 15 November 2019.

POTENTIAL FOR THOSE ADVERSE AFFECTED - 2006 Scheme – 1/70th per year plus CPI, they would be worse off than CARE at 1/45th plus CPI plus 1.25%. There is likely to be a not insignificant amount of members being returned to equivalent to their old scheme.

Tone of EMAILS from Leigh Day particularly disparaging of the SPF and other staff associations.

Scottish Police Authority

The Board of the SPA consists of 14 independent members. The Chair is Susan Deacon. Its role is to monitor and evaluate Police Scotland's performance to ensure that policing is delivering and that the benefits of a single Force are being realised.

The last meeting took place on 24 September 2019 at Falkirk.

The Committee discussed the contents of the HMICS published review of the Scottish Police Authority published on 26 September 2019 and make appropriate recommendations.

In simplified terms the Police Inspectorate found a "lack of rigour or effectiveness" in holding the Chief Constable of Police Scotland to account.

In a review of the SPA, HMICS said that there has been confusion about the SPA's function because each of the three chairs had had a different view about how the body should perform its governance role. A low level of response to a public survey suggested a lack of public awareness about the SPA, HMICS added. However, HMICS did find evidence of "genuine progress" at the Scottish Police Authority over the past 18-24 months.

It said the appointment of "experienced and talented individuals" to both the Police Scotland senior leadership team and to the SPA Board was a "significant achievement". HM Chief Inspector of Constabulary in Scotland Gill Imery said: "Whilst progress and improvements have been made in the SPA over the last 18-24 months, I consider that the SPA still requires to fully demonstrate the value it adds to policing in Scotland through its

statutory role and relationships. "I am confident that with the right leadership and supporting resources in place this can be achieved."

SPA meetings are now co-inciding with JCC.

A Finance paper provided by PSoS which highlighted the structural deficit £100 million. As previously stated the Service need to lose 750 officers plus the 300 funded officers provided by local authorities. PSoS executive appear to have forgotten that Justice Minister Kenny McCaskill in 2014 highlighted that if funded officers removed it would come from local authorities that are removing.

PSoS reported that they need £70 million year on year additional expenditure to maintain 750 officers, cover non-pay inflatory costs, increase on current capital provision of £24 million. The challenge is what does the SPA do with this, SPA have a desire for removal of officers. The Chief Constable is apparently frustrated at the oversight of wellbeing.

PSoS in dire financial situation, the issue is what the SPA does with it next.

The SPF met with SPA (Susan Deacon) who has a desire to not focus on police numbers. As mentioned at the last meeting the potential Barnett consequences of Westminster pledge to increase numbers, this is now irrelevant due to a General Election taking place on 12 December 2019 – indications from Conservative are for manifesto to increase to 25,000 from the initial proposed 20,000. The Scottish Government have maintained a bland approach around budget allocation of Barnett consequential. Labour have not published anything in relation to police numbers. The Liberal Democrats have cancelled their Conference in Scotland due to the upcoming General Election. Unlikely SNP will focus on police numbers, Cabinet Secretary reminded that the budget allocation expires in February – this is going to operate on tick rather than cash injection. Calum Steele is considering target of police funding in February – media adverts – at a cost to the SPF. Potential for loss of 1k officers, Cabinet Secretary has not rebutted this and focus on HMICS assurance and no additional funding for COP 26 Conference.

HMICS report damning on the ethnicity of the SPA and their effectiveness, highlight of the involvement of COSLA in the SPA.

H&S reports show disjoint between what is ongoing and what is reality – the report of 21 August 2019 and impact of RIDDOR. Need to report to SPA what is going in with supplementary public comment. Reports submitted to SPA are not being scrutinised and are being noted rather than questioned. Cost to produce reports of analytical reports (40 analysts @ 40k – £1.6 million) – this is important information which is being skimmed over rather than examined and digested.

The next meeting of the SPA is scheduled for 27 November 2019.

Scottish Police Budget and Financing/Political engagement

Due to General Election on 12 December 2019, both budgets delayed. Chancellor budget expected in December and Scottish Government in early 2020 rather than the initial budget being announced in December (January-February) – no dates announced.

Police finances are dire, the financial plan approved by the SPA was predicated on having 400 fewer officers by this time, £17 million pound additional revenue and there is no indication that this will be maintained next financial year. The financial plan is based on 750 loss, plus 280 funded officers at cost of 13 million, this would take us to a position of circa 16,500. If funding is withdrawn the total loss over the forthcoming year would be 1,000. It would return to 2008 levels if 1,000 lost, 2010 levels if at 750.

There is currently a £63 million deficit in structural policing, £1.2 billion being invested but this reflects the same level of 2012. The Service is making its capital bid, this is heavily predicated on the capital need on transformation. To maintain police numbers it needs the deficit removed and an additional £45 million per annum to maintain the numbers.

A third of estate in poor condition £350 million required to bring it up-to-date, fleet is decrepit and we currently are spending 50% less on vehicles. The impact of no money and investment is the issue, the challenge is what can be done beyond lobbying to achieve additional investment.

Opportunities around policing COP 26, the Service does not take the opportunities at exploiting these to achieve budget concessions. There is currently £80 million allocated for COP 26, issue between the friction of Westminster and Holyrood.

As announced at the last NAC the SPF attended the Conservative and Labour Party Conferences, as well as the SNP Conference. As a number of you will have read in the media the SPF hosted the Premier Event at the SNP Conference. There the General Secretary and Cabinet Secretary for Justice discussed ongoing policing matters including the budget and police numbers. The Cabinet Secretary was reminded that the budget allocation expires in February – when police are going to run out of money. The Cabinet Secretary announced that they had plans in place, going to operate on tick rather than cash injection. This was widely reported in the media.

The SPF are targeting police funding in February – media adverts – potential 40k cost. This will relate to the potential for loss of 1k officers and massive reinvestments in the service.

Joint National Consultative Committee (JNCC)

The JNCC is concerned with matters within the authority of the Chief Constable. The JNCC will discuss operational delivery of HR policies and these will include agreements reached through PNB and SPCF meetings (which between them define the Conditions of Service of officers within the Service). As such Scottish Ministers and the SPA have no representation at JNCC meetings (but may be invited at the Chief Constable's discretion)

which are held solely between the Chief Constable's Representatives and Staff Associations. On operational matters, the decision of the Chief Constable is final however, should a matter remain unresolved due to a difference of view as to the meaning of a regulation or determination or, the application of policy / guidance promulgated by the PNB / SPCF, it is entirely appropriate for the matter to be referred back to PNB / SPCF for clarification.

The General Secretary reported and answered questions on the meeting of the JNCC that took place on 5 September 2019 where updates were provided on the following;

PT Officers and pensionable pay – depending on how this is recorded it has an impact on recognition of pensionable pay below 40 hours. This occurred on the back of Michael Williams's submission at the last EAC. It will be discussed at the next JNCC meeting on 5 December 2019.

Afternoon citations being progressed by Service. Criminal Justice believe inappropriate witness citing, overall issue is the number being listed and cited later (this is impact of passing on enquiries to save little overtime). Criminal Justice partners resisting to amend their model which presents a challenge – impact on custody courts etc. Ongoing work and discussion with Crown agents.

Response to violence A Short Life Working Group – objective is to review how the Service deals with violence towards officers. They are focusing on aftercare and are now including training, equipment.

Age of Criminal Responsibility – Service now looking to recover the current issues within the legislation.

Pay Issues – Dog handler issue should be resolved to 3 December 2018 in November pay, further work to address the issues between 2013-18. Been blocked by finance.

Pay on Promotion – Primarily an East issue – wanted commonality on PSoS – 1 April 2018, 1 April 2013, 1 April 2012. Going back into legacy areas, due to the different ways applied in legacy areas – the three Forces paid different amounts of money in years 1-3. So far 58 people have come forward between 2012 – 2013 – £250k was the cost to PSoS for this. Due to promotions in 2011 and going back were being paid the wrong amount in 2013, estimated bill is around £500k for this. The Service are terrified that this will go back to the conception of legacy positions, 2002 onwards. Force need to establish the maximum liability (Force only have pay data of 6 years plus 1, they also look at statute of limitations 5 years). This is a legacy issue which the Service is having to bear from historic practices. As you are all aware the EAC drafted a letter that was to be sent out to all affected officers. This was a simplified form and was agreed by Paul Hird at finance.

The SPF objective is to get everyone paid the same from 2002 – (3 year Sgt on 2013) - PSoS everyone being paid the same. There appears to have been a breakdown in communication between HR and Finance around progression. This matter is still ongoing with the JNCC.

The General Secretary and Deputy General Secretary are scheduled to meet with ACC Williams around policing events and rostering – impact of COP 26 and number of events. ACC Williams having a workshop on Monday 11 November 2019, the impact of number of shift patterns, lack of availability of uniform etc.

BREXIT – Impact of Brexit and ports – Border Command suggested return to 12 hour shifts which used to operate this, however this has been rejected by the SPF.

Temporary and Acting Ranks – ACC perspective on use within the Service. Whilst this is an East issue, it is based on the problem that goes back to legacy practices and cuts in Supervisory numbers.

Colour blind officers – initial adjustment suggested by OPTIMA unworkable.

COP 26 added as a standing item to Agenda.

The date of the next meeting of the JNCC is scheduled for 5 December 2019.

PSoS Reform (was 2026 update)

The current Vice Chair who was in attendance on day two of the NAC provided an update - **2026 is no more**, it is now called **servicing a changing Scotland**. Tom McMahon leading and looking at wider matters, rather than focus on local policing. This change of name has not been communicated – they have just dropped the date. Notification will likely come as PSoS publish their next 3 year plan.

The 2026 Servicing a Changing Scotland projects continue – CAM starting in G Division, Digital program being rolled out – where does this go after Stage 1 – CID rollout, body cams? The Finance and Investment Group will progress – no current strong views on what would be preferred option.

Telematics – Awaiting MOU.

Projects have died due to financial pressures and lack of funding. Academic research has highlighted the lack of confidence in the priority for response policing which has led to the Force change. There is no doubt that the mind-set has been affected and we need to see the final products delivered by the Service. Desire to involve academics in the Parliamentary Process of reviewing the creation and progress of PSoS.

Police Charities

PTC – Extension progressing – issues with South Yorkshire Water, PSoS donations have dropped below 80% for first time, bulk of funding is 1/3rd for PTC from Scotland.

St Georges Fund – Impact of not subscribing – 100k for family last month – its 35p per week, £18 per year. Need to encourage sign up.

Police Care UK – The Chair is attending next meeting on 7 November 2019 – primary business is partnership with PTC, the CEO of Flint House unhappy at the partnership.

SPMD – Attendance continues to grow and positive feedback from NI and US. Next meeting is 2 September 2020.

NPMD – Positive feedback from Glasgow event, HRH Prince Charles attended and all VIPs engaged positively with the families which was appreciated by them. The next meeting is scheduled for the 26 and 27 September 2020 in Lincoln.

Bravery Awards – The NAC Chair, Secretary and Vice Chair were in attendance at the 2019 bravery awards held in Edinburgh where 9 officers received awards (7 plus 2 special awards), Colin McKay hosted the event, visit to Bute House. 107 attended the dinner.

ICPRA/Eurocop

The Secretary and Vice Chair gave an update on their attendance at Eurocop.

The Secretary advised the ICPRA General Council will be in Scotland in June next year and Eurocop will be meeting in Edinburgh in November.

8.2 Subject Committees

The minutes of all national Subject Committees were circulated.

CONDUCT

North Area Conduct Meeting

The Vice Chair gave an update advising there are more suspended officers than ever. He also spoke about trends, particularly mobile phones and drink driving. He gave an overview on Divisional Reps giving briefings to Divisions on conduct matters.

The Deputy General Secretary spoke about the WhatsApp case and also Use of Force forms.

EQUALITY

The Deputy Secretary gave an update stressing the importance of completing SPF Equality Forms. A draft guide is in the process of being compiled. He also asked to be notified of any long term absences as we no longer appear to get such lists from PSoS.

HEALTH & SAFETY

Gordon Forsyth, Chair gave update. There was much discussion around Airwave training, footwear, suitable cargo style trousers.

The Vice Chair, David Hamilton spoke about “bump caps” in relation to coin throwing at football matches and stressed safety issues with members wearing their own “bought” uniform.

The minutes of the last JCC H&S Committee along with local meetings have been circulated to representatives.

The main points are

- Full Health & Safety Audits to be carried out at all primary custody centres. Kittybrewster and Dundee have been completed. Dundee presented some challenges.
- Firearms – lack of Ballistic Bags for carrying weapons that have not been made safe by Armed Policing. N Division Command are working to redress the issue but will require significant financial investment to secure sufficient bags for N Division alone.
- Estate – Regular issues with minor repairs not being completed. Mitie.
- Training for Safety Reps – JCC agreed to fund safety reps to attend IOSH Managing Safely Courses. Course will be arranged for Dundee in late February 2020.

8.3 Standing Committees

FINANCE STANDING COMMITTEE

The Secretary confirmed that the Finance Standing Committee had met on 8 October 2019 at the SPF Training Centre, Dundee. The minutes of this meeting were circulated within JCC Circular 48/2019.

A review and amendments of the financial risk register raised the issues of falling membership, impact on economic markets on investments.

Expenditure policy endorsed.

Coffee machines – The roll out has commenced in P Division and will be rolled out to the rest of the areas soon. These are based on fair use and need to be maintained by officers in these locations. Branded cups are also being issued.

LEGISLATION & REGULATIONS

This is a JCC Board made up entirely of SPF who look at all Legislation and matters surrounding PSoS. The Committee meet four times annually.

The last meeting took place on Tuesday 8 October 2019 at Dundee and were circulated in JCC Circular 48/2019. The following were discussed.

Dame Elish Angiolini Review – Additional correspondence received from the review team, one issue in respect of legally qualified Chairs for Hearings has been sent to CS – the Secretariat have asked that at certain key stages for Senior Officer – consideration to a separate panel and should include a legally qualified Chair appointed by Lord President and others from other industries. A similarly constituted body could apply for appeals.

Gross Misconduct Hearings could mirror this, the Secretariat seek the views of the SPF. This was discussed at Conduct meetings and with ASPS and HMICS – ASPS believe it to be good as it would remove responsibility from them. The Senior Officer Regs took so long to create that they mirrored that of PC to CS, the review of the SPA has created this issue and could mirror PAT previously – they don't need to be legally qualified but need to be trained, could include the use of former officers and SPF reps.

The fundamental issue is the assessment of misconduct – the wrong assessment is being applied to the level – meeting or Hearing – going to a Hearing the expectation is for potential dismissal, the reduction in rank was brought in at the latter stages by PSoS, this was not an original sanction supported by SPF. Misconduct is misconduct, why should reduction in rank be an option as this is not available to PC. The Deputy General Secretary view of independent Chair who has been trained, rather than legally qualified (would bring more solicitors) and two independent assessors. This is operated in E&W however there are significant issues and this becomes more of a trial, recommendation to reject the proposal. Misconduct is a quasi-judicial process, the introduction of legally qualified makes it akin to a criminal process and becomes a further trial. Need for legal representation and no longer becomes an internal process.

There are issues in every process however it is the fundamental application rather than the legislation that are the problem. Review of discussion with the team – Performance to Misconduct Hearing and its assessment, impact on public confidence and perception of policing.

Quorum – Clarification on the point of the quorum was discussed and further application, the codicil at Agenda Item 6 approved by JCC.

The next meeting is scheduled for 21 January 2020.

OPERATIONAL DUTIES

This is a JCC Board made up entirely of SPF who look at all operational duties surrounding PSoS. The Committee meet four times annually.

The last meeting took place on Tuesday 8 October 2019 at Dundee and the minutes were circulated in JCC Circular 48/2019. The following were discussed.

Events and Rostering – this is a dial in meeting and should involve every Division, this is to co-ordinate the tasking of the Force Reserve. There have been no other events meeting held, the last meeting was cancelled it is usually chaired by CS Milton and COP 26 could have had a negative impact on this. The response from the Service and Divisions is sporadic, there are too many Events meetings and comment has been made at JNCC on the number of meetings being held. Advice documents being circulated by PSoS out with the knowledge of SPF, 5 point document on direct reporting, ongoing issues around the planning and logistics being applied in territorial areas which leads to disparity. The workshop on Monday 11 November 2019 will hopefully be the catalyst for improvement, there is a new CS (Thom McLoughlin) for resource management.

COP 26 – planning team has one SPF rep, there will hopefully be more as the team grows and there will be more need for inspection and area involvement. The Deputy General Secretary on the Gold Group led by ACC Higgins, there will be impact prior and post the event (will extend longer than the anticipated three weeks). There will be geographic considerations around protests and where officers may be required, Eco activists will already have started their intelligence gathering and protest preparation. Creation of Blue Zone (an international area) which will create legislative questions.

CM reported that papers have been submitted for past six months around PO and tactics, type of protest that will be encountered, numbers required for training and training implications – Gold group have yet to make decisions around this which impacts on the time and availability for officers.

COP 26 – 9 to 20 November – Identified that they will need mutual aid, 100 PSU per shift – 2,500 per day and backshift. We currently have a diminishing amount of PSU – Gold ACC Higgins, Silver – CS Mark Hargreaves, Support Supt - John McBride, Planning - Supt Pat Callaghan.

Gold Meetings have been held, there have been initial discussions on what the event may be like – appears a gross underestimate of the impact of this event, may not necessarily be PSU but could be a conventional policing plan which may be overlooked.

International attendance, this will involve significant road and other movements across the country.

Planning within business as usual – can this be achieved and will potentially prevent cost recovery for the Event.

Request for notification of Red Days for December 2020 – already started in Glasgow – AREAS TO FEED BACK ON THIS.

Euro 2020 – Shift plans agreed for the volunteers and planning teams for Euro 2020.

Custody & Criminal Justice – No meetings, nothing significant. Impact of Mass Arrest.

PO TWG – Queries over use of plasticuffs, impact on protests – numbers required for training and uplift – the challenge is the training team and venue (Force has 1,100, they need uplift of 1,400 (initial submission was 900-1,000) need for volunteer). Executive have explored looking at giving additional training from Probationers at the end of their initial training course.

PARIS 2015 – Potential for mixture of civil disobedience to mass disorder is the expected issues to be encountered at COP 26.

TTWEG – Meeting discussed the mobility to mobilise and the rigid requirements of College of Policing, NPCC unable to mandate – expectation to have baton gun capability but don't. Gross underestimate of capability (on paper has 47 but can mobilise 2). Issue around vehicles and capacity, these are challenges across the UK.

Home Office briefing on COP 26, they are absolving themselves of responsibility – expectation of let down due to capability and capacity.

Discussion over issue of smaller TASER particularly for VIP, Royal Protection could be reduced to TASER only. Royal Protection has been getting reviewed, Castle of Mey is likely to be downgraded based on risk and threat, more pragmatic approach.

Armed Police Monitoring Group – Where do you draw resources from, focus is on local policing due to the abstraction rate – resistance within RP.

Specialist Areas – RP – 1 officer in West, 3 in East – Vice Chair, David Hamilton going to meet with Stuart Carle around this, this is replicated in certain areas when entering a department – no specialism in CID or C3.

CBRN – Issue around direct funding from HO, this could have Barnett and other consequential around budget. The threat level has been reduced.

Pyrotechnic Working Group – Scottish Government have created a working group, Football Intelligence Unit is trying to develop data around this to assess the problem however there is a lack of information around data, the response from the Service is woeful.

16k responses for fireworks – potential use of You Tube and video creation.

LEADERSHIP & TRAINING – Promotion Processes – Future – My Career process – Discussion and assessment where appetite for promotion is indicated. Predicated by number of posts, their suitability and development of candidates. This was discussed at SPCF and this Pathway will not be implemented in April 2020, likely diploma will be required to be undertaken. Further work required by the Service and this is a work in progress.

Current – PI to CI, PS to PI – issues around the merit score being applied which is higher than the pass mark. The ethical issue of passing and use of the word failure, SPF

interaction had been misinterpreted by the Service. Meetings ongoing with the promotion team, suggested that people are only trying to pass rather than excel, this is the perception within the team. Universities and others have a policy of promoting their best, however this does not take account of geographic factors.

Likely that the merit line will be reversed, they won't be failing but will be entered into a 'pool' with open adverts being offered to those who were between 16-19. Information around packages and exit dates will be known by those interested.

Difficult to fill posts – those below 19 – unless someone from 19 or above is interested – this will be done in score order – how do they resolve same scores, weighting is applied to questions (Equality question has the biggest weighting) and this will be the factor applied.

Posts aren't hard to fill, this is due to geography or specialism.

C3 – Meeting planned, update provided on impact of promotion process on ITFC coverage (use of Temporary Ranks) and CAM – final numbers will be predicated on the G Division experience.

TELEMATICS – MOU discussed and how this has now been developed into a fleet management and driver record tool. This has been 5 years in the process. MOU to be checked legally and progressed to agreement.

9. Force/Area Meetings Update

Divisional Management Meeting

N – Neil Macdonald, Secretary gave update. The Secretary meets with the Divisional Commander monthly or as and when required. He also attends the Peoples Board which also meets every month.

There are a number of ongoing issues including staffing levels across the Division, lack of supervisory officers in rural areas and the effectiveness of RDU. These are all being addressed albeit in slow time. The N Division Commander is keen to resolve the issues and continues to work with all involved. FTOBs attending the rural areas in relation to these issues are being fed back to the Divisional Command Team.

To assist with the lack of staff in the rural areas the Divisional Commander continues to use secondees from other areas in the country at Constable rank and attempts to alleviate the supervisor issue by encouraging Area Commanders to identify officers to fill these positions with acting / temporary status.

Still ongoing negotiations with RDU senior management with a view to increasing the staff numbers within the department. They are significantly understaffed at present. N

Division is to identify a Sergeant to work as 'resource manager' for day to day business in the short term until RDU is staffed sufficiently.

A further Taser roll out is due to take place and will give further coverage. With an increase of HUBS it will be easier for Taser trained officers to collect and deposit their equipment before and after their shift.

A – Gordon Forsyth, Chair gave update. The FTOBs meet with Chief Superintendent Thomson every quarter and will see as and when he needs to.

Mobile working is now up and running and feedback is very positive.

The Division is currently 40 below establishment. 23 Officers requesting transfers being given projected transfer dates into 2021 now.

Promotion process – all those in the process who got 16 or over are in temporary Inspector posts and are likely to remain in them for the foreseeable future. Looking at seeking hard to fill status for the posts so that officers who didn't make the merit line could apply for the posts.

The Division have ended up with a TOIL overspend on officers not taking TOIL within 3 months of accruing it.

Peterhead Change Board – Building has started of the new Police Office.

Officers backfilling for Brexit from PSD has led to a considerable increase in complaints workload for Divisional Officers.

D – James Thomson, Deputy Secretary gave update.

Caroline MacNaughton gave an update on the meeting with the Divisional Commander and D Division Reps held on 21 November 2019 where OST, resourcing meetings, abstractions and OBLs were discussed.

10. New Business

There was no new business.

11. AOCB / Correspondence

One item of correspondence from a member. Kevin Hird intimated his resignation from the NAC following his promotion. The NAC thanked him for his contribution over a number of years.

12. Time and Date of Next Meeting / Closure of Meeting

The Chair advised the next Meeting of the North Area Committee would be held on Monday 2 and Tuesday 3 March 2020 at the SPF Office, Dundee commencing at 1300 hours on Day 1 and 0900 hours on Day 2.

The Chair thanked the Committee for their active and constructive participation and closed the Meeting by wishing everyone present a Happy Christmas and a safe journey home.

He was thanked by the meeting in the customary manner.

Gordon Forsyth
Chair

Neil Macdonald
Secretary