



Scottish Police Federation East Area Committee

Minutes of the Fourth Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 7 December 2016 within The Houston House Hotel, Uphall, Livingston, EH52 6JS

1 ATTENDANCE

Inspector Andrew Malcolm	C - Forth Valley
Inspector Hugh Loudon	C - Forth Valley
Sergeant Mark Westmorland	C - Forth Valley
Sergeant Murray McKenzie	C - Forth Valley
Sergeant David Reid	C - Forth Valley
Constable Paul Redwood	C - Forth Valley
Constable John Hay	C - Forth Valley

Sergeant Graham Ross	P - Fife
Sergeant Wilkie McCloskey	P - Fife
Constable Stevie Herd	P - Fife

Inspector Allan Symington	E - Edinburgh
Inspector Ian Williamson	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Sergeant Norman Towler	E - Edinburgh
Sergeant Mark Wilson	E - Edinburgh
Constable David Stupart	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh
Constable Richard Wood	E - Edinburgh

Inspector Andrew Elliot	J - The Lothian's & Scottish Borders
Inspector Andrew Toombs	J - The Lothian's & Scottish Borders
Inspector Michelle Ritchie	J - The Lothian's & Scottish Borders
Sergeant John McEwan	J - The Lothian's & Scottish Borders
Sergeant Gordon Latto	J - The Lothian's & Scottish Borders
Constable Jim Friery	J - The Lothian's & Scottish Borders
Constable Darren Gallagher	J - The Lothian's & Scottish Borders

Grant McDowall
Amanda Givan
Nigel Bathgate
Jackie Muller

Secretary
Deputy Secretary
Vice-Chair
SPF Equality Lead

OBSERVER

Arron Ashton

2 APOLOGIES

Brian Jones	Chair
Inspector Mark Murphy	C - Forth Valley
Constable Scott Callaghan	C - Forth Valley
Inspector Ian Stephen	P - Fife
Inspector Douglas Simpson	P - Fife
Sergeant Stephen Clark	P - Fife
Constable Austin Barrett	P - Fife
Constable Colin Nicoll	P - Fife
Constable David Davison	E - Edinburgh
Inspector Heather MacDonald	E - Edinburgh
Sergeant Scott Meechan	E - Edinburgh
Sergeant Neil Spowart	E - Edinburgh
Constable John Brownlee	J - The Lothian's & Scottish Borders
Sergeant Mark Sherman	J - The Lothian's & Scottish Borders

3 OPENING OF THE MEETING

In the absence of the Chair, the Vice Chair, Nigel Bathgate opened the meeting by welcoming all present, particularly Arron Ashton who was attending as an Observer.

The Vice-Chair advised the Committee that an apology had been tendered from the Chairman Brian Jones due to a serious close family illness. The Committee offered their thoughts and best wishes to Brian at this time.

The Committee was advised that this would be the last Quarterly Meeting that Jackie Muller would be attending prior to her retirement from the Service in March 2017. Jackie was thanked for her years of dedicated service and hard work on behalf of the membership. The Vice Chair, on behalf of the federated ranks wished Jackie a very long, happy and healthy retirement.

The Vice-Chair welcomed those who had recently been elected to the Committee, Mark Wilson, John Hay, Darren Gallagher, Gordon Latto and Jim Friery. He next went on to indicate that Federation Training would be taking place in January and anyone who had not previously been on a course should contact the Livingston Office. Further Courses would take place later in the year.

The attendees were reminded of the Fire Procedures in the event of an emergency, advised of the timetable of events for the meeting and asked to turn **all** mobile phones to silent.

The Vice-Chair then asked for all discussions to be conducted through him and thereafter declared the meeting open.

4 MINUTES OF THE PREVIOUS MEETING

The minutes from the previous meeting held on 7th September 2016 had been circulated to the Committee. The minutes were agreed and thereafter recorded as a true reflection of the meeting.

5 MATTERS ARISING

(a) JOINT CENTRAL COMMITTEE UPDATE

The Secretary advised that the last meeting of the Joint Central Committee was held within the Doubletree by Hilton Dunblane Hydro on Tuesday 1st and Wednesday 2nd November 2016.

First item on the Agenda was the election of the new Chair. Andrea MacDonald and David Hamilton had intimated their intentions to stand for this post and after being proposed and seconded, in line with the JCC Rules, they both gave a five minute presentation. A secret ballot took place thereafter and after a close vote, Andrea MacDonald was elected as the new Chair.

As a result of the election, a new vacancy had been created for Vice-Chair with the closing date for applicants of 9th January 2017.

Legal Advice and Assistance - The Deputy General Secretary reported that a number of new cases for various matters had come to light since the last meeting.

Holiday Pay – It had been reported that a number of Forces down South had reached settlements on this matter however, to date, PSoS are not currently engaging with the SPF in relation to Holiday Pay.

Held in Reserve - a judicial review is continuing. Arguments have been ongoing for some time and solicitors from both sides are discussing the matter. Both claims are currently sitting within the respective courts and it is hoped that a decision will be made prior to the next JCC meeting in February 2017.

Allard v Devon and Cornwall - this is a case taken by officers from Devon and Cornwall against their Chief Constable and primarily came about from them being CHIS Handlers who were not paid for taking calls in their own time from sources. A meeting is scheduled to be held with PSoS and any update will be sent out via a JCC Circular.

Police Negotiating Board (PNB) - The last meeting took place on 28th September 2016 where a number of issues were discussed including annual leave into hours throughout the country and part time workers overtime on annual leave.

The SPF had asked for a 2.5% pay rise however, after lengthy and somewhat frustrating discussions, a 1% figure was agreed.

A Technical Working Group continues to meet discussing such topics as exigency of duty, introduction of an overnight allowance, annual leave into days or hours, annual pay settlements, communications with members and compensation for working into a rest day.

Pensions - The SPPA have asked KPMG to appoint an Independent Governor to look at the arrangements of the SPPA with Calum Steel and David Hamilton being invited to take part in the discussions.

A paper has been sent to the JNCC from the General Secretary asking if, as a result of approximately 8% of new recruits opting out of the pension scheme, this would affect the valuation of the scheme. PSoS and SPPA state they are frustrated in being unable to discuss the reason why these people are opting out of the scheme. The SPPA will interview officers who have left the scheme to establish their reasons for doing so.

A letter was sent from the Scheme Manager to the Police Pension Board Scheme, Cabinet Secretary and SPA advising that he had concerns with the SPPA's ability to administer and run the scheme. This letter was not well received by Tweedbank where the SPPA is administered. Not only were the Annual Benefit Statements of poor quality and submitted late, but officers were allegedly informed by the SPPA that this was the fault of PSoS and the SPF which is totally untrue. They were told in no uncertain terms that this was

down to their poor communications and that the SPF expected a written apology from the SPPA.

As from July 2017 officers should have web access to their own pensions allowing them to update personal data. Concerns had been raised about the number of Probationers not joining the CARE Scheme and the opt-out rate.

Scottish Police Consultative Forum (SPCF) - The last meeting took place on 26th September in Edinburgh amongst discussions were Pathways to Policing and Fitness Testing. Pathways to Policing has come to an abrupt stop. David Kennedy and Andrea MacDonald are currently sitting on a Sub Group along with Gill Imrie from HMIC. The next scheduled meeting was due to take place on 16th November and an update will be provided following that meeting.

Fitness Testing was discussed at length and amongst possible proposals was the removal of the fitness test altogether. It was pointed out that the majority of females leaving the Force were doing so due to failing the fitness test. If it remains they may be looking to drop the bleep test to as low as 5.2. This appears to be a complete turnaround by the organisation and although the Chief Constable believes that a form of testing should remain he feels the current position is discriminatory.

Scottish Police Authority (SPA) - There had been no meetings of this group since the last JCC Meeting. The next scheduled meeting will take place in early December.

At a previous meeting the precarious financial state of PSoS was discussed and, as a result of this, meetings have increased greatly with the SPF meeting on a regular basis with Assistant Chief Constables and Senior Management. The Executive are now also holding monthly meetings with the Cabinet Secretary and Senior Civil Servants.

Scottish Police Budget and Finance - The current financial year predictions indicate a £27.1 million overspend in the budget. The organisation is still hoping that the VAT issue may be resolved, which would return a substantial total of the deficit.

PSoS are looking to implement 10 quick wins in an attempt to fill the financial deficit the Force currently have. This is expected to be in the region of £80m by 2020. A Savings Delivery Group led by DCC Livingston has been set up and they will meet every 14 days.

Discussions are taking place in relation to a toil buy back for between 3 to 6 months.

Resource deployment for custody is being looked at with it possibly being passed to local teams to manage.

The Scottish Government announced a £2 million investment into Policing in Scotland and if any capital money is available it will require to show it can be used with immediate effect with any investment probably being directed towards IT.

SPF currently have a poster campaign running asking officers to contact PoliceCuts@spf.org.uk with any experience of cuts affecting our members. This campaign is part of the SPF ramping up our response to the devastating cuts.

LPNCC (Local Policing Negotiating and Consultative Forum) - The inaugural meeting between all three areas took place on Friday 4th November at Stirling and was chaired by ACC Mark Williams. The group consists of all ACC's, Unison, HR, ASPS and Federation Representatives from each geographical area. Each area were asked to bring their two largest problems to the table which included similar problems from all areas namely blanket emails, resources and overtime. The next LPNCC Meeting will take place in February 2017.

The following Motion put to the JCC on behalf of the East Area Committee was discussed and passed.

"That this Area Committee asks the Joint Central Committee to engage with Police Scotland and reach single agreements in all matters where currently legacy arrangements are still in place."

Joint UK – Joint Central Committee - The Joint UK JCC was held in Manchester on 8th and 9th November 2016. This is the first time in the last three years that PFEW, SPF and PFNI Representatives had met jointly.

(b) HEALTH & SAFETY

The Vice-Chair informed the meeting in the Chairs absence that the East Area Health & Safety Committee had met on Tuesday 27th September at the Livingston Office. The minutes of this meeting had been circulated and the next meeting was scheduled for Tuesday 10th January 2017.

The main topics on the Agenda covered the continued concern with regards to OBL's in the East and a letter had been sent from the East Area Committee to DCC Livingston with regards to the Committees concerns. A response had been received from ACC Mawson stating that this was an ongoing issue.

The Committee were advised that work had been carried out at the ACR which had highlighted significant differences in the East in comparison to the West with a ratio of 4 calls to 1 officer in the East and 1 call to 4 officers in the West.

Concerns regarding OBL's in the East continue to be brought to the attention of elected representatives in the East be that MP'S, MSP'S and Local Councillors. The Committee still await an update regarding OBL's from ACC Mawson and once this is received it will be forwarded to the Committee.

The JCC Health & Safety Subject Committee met on 11th October at Woodside Place and the minutes of this meeting had been circulated. The main items discussed at this meeting were as follows:

The wearing of Personal Protective Equipment by all officers working within Custody Division. This has been agreed and will be raised at the National Custody Meeting to ensure that this is being rolled out nationally.

Weekly Vehicle Inspections is still a concern nationally with vehicles and emergency equipment not being checked on a regular basis.

General awareness with regard the storage of PAVA. This issue had been raised in the West and it was a general awareness issue for the East (no concerns highlighted in the East).

There are currently two ongoing Health & Safety Investigations; one regarding PAVA and its effectiveness especially in comparison to CS which may require further training/familiarisation packages, the other pertains to a road collision involving a Police Motorcyclist escorting an abnormal load.

The SPF is currently looking at the provision of training with regard to mental health issues raised by members.

The topic at this year's Conference for Health & Safety will be Mental Health Wellbeing.

The Committee were advised that the PFNI/PFEW had recently carried out a General Welfare Survey and it has been agreed that this could be launched at the Conference.

Work Place Inspections have recently been carried out at Grangemouth, Kirkcaldy and Galashiels. A further Work Place Inspection will be identified in 'E' Division.

A number of high risks were identified and are being addressed by Divisional Commanders, predominately due to fire regulation issues.

A dip sample of the Response Vehicles found the vehicles at Grangemouth and Kirkcaldy to be inadequately equipped with, in some instances, no locus protection equipment present and others with incorrect signage. This in turn led to further spot checks in 'J' Division, 'C' Division and 'P' Division where significant issues have been found. Divisional Commanders were advised accordingly.

The Health & Safety Board met on 23rd November at Stirling when two issues were brought to the attention of DCC Livingston namely Work Place Inspections and Weekly Vehicle Inspections. As a result DCC Livingston has issued a memorandum to all Divisional Commanders on 28th November which highlighted only 115 Work Place Inspections having been recorded from an establishment of in excess of 715 buildings.

The issue regarding vehicle checks and the lack of locus protection equipment were raised with ACC Mawson on Thursday 1st December for his attention. It is believed he will be issuing a memorandum soon to address this issue.

Further discussions ensued around OBL's which has increased and the difference between the East and West; police numbers and signage on vehicles.

(c) CONDUCT

The Deputy Secretary updated the Committee informing them that the next Conduct Area Meeting is to be held on 11th January 2017 within Livingston with the JCC Conduct Standing Committee Meeting being held on 17th January 2017 at Glasgow.

The Deputy Secretary informed those present that Chief Superintendent Alan Speirs was the new Head of Professional Standards with Superintendent Andy McDowall being his new deputy. The restructure of PSD is ongoing and a new openness and transparency is apparent.

Complaints against the Police have decreased apart from in the East which may be due to the way the complaints are or have been recorded however, there is now a National Recording System in place for complaints and its hope this should balance out over the coming months.

Since the last Quarterly Meeting there had been one Hearing and two Misconduct Meetings in the East Area. The 2014 Regulations were used for these proceedings.

The Deputy Secretary thanked Graham Ross for all his hard work in relation to assisting an officer embroiled in a misconduct case, had it not been for his hard work the officer would undoubtedly have suffered a more severe disposal.

Problems have arisen within divisions whereby performance issues are being progressed using the Misconduct Regulations. The Scottish Police Federation have an excellent document commissioned by Vic Marshall OBE who is the person ASPS used for training their Chairs. The document clearly highlights the difference between Misconduct and Performance and the SPF will refer to this document as and when necessary

There are currently no Police Appeal Tribunals for officers from East.

Concerns have been raised with the way PIRC conduct themselves on occasion. Regular dialogue with the PIRC has now been opened and it is clear they are working very hard to overcome concerns. The main issue appears to be a lack of information being provided to subject officers or those considered witnesses. This may be down to the Liaison Officer not passing on all the relevant information to the officer concerned which has been provided by PIRC. This is being fed back to PIRC at the meetings and the Deputy Secretary informed those present that if they had any other issues with PIRC that they were to let her know.

(d) EQUALITY

The last East Area Equality Meeting was held on 3 October 2016 the minutes of which would be circulated in due course.

It was reported that currently the East Area has no identifiable trends or emerging issues in the Equality field.

The Attendance Management SOP is currently the subject of a review by the Force and the Vice Chair strongly suspects that the incidences of Attendance Support Meetings will increase which may in turn require an increased involvement from Divisional Representatives. Similarly the knock on effect for greater scrutiny on absence may lead to increased use of Performance Regulations and again with an necessary need for representatives to participate in that process especially at the earliest stage to identify failings by the Divisions.

Nationally the 2017 Police Service of Scotland Mainstreaming Report has been responded to and any feedback is awaited.

The Part-Time Audit which has been at PNB for a lengthy period of time has now been approved and a circular is awaited.

Jackie Muller informed the Committee that she had attended a meeting with HR to discuss the welfare of officers and time off. She was surprised to be told that Police Scotland was a business and would be run as such! Members of the Committee voiced their concern that HR were not concerned with officers welfare either sick or not and maybe it was time that, as the RDU's appeared to be in a dire mess with no consistency, that they should be bypassed in favour of higher ranked Police Officers in order to get things done. It was thought that they required to be reminded of the Police Regulations at times and it may be worth approaching the RDU National Project to build something into their training. HR are advisors and not decisions makers.

The next meeting of the East Area Equality Committee is on 9 January 2017. The meeting will include training covering many areas of Equality. The Vice-Chair asked for existing Representatives to forward onto himself as a matter of urgency the training gaps they are aware of.

(e) FINANCE

The Secretary informed the Committee that the last Finance Standing Committee Meeting had been held on the 12th October 2016 within the SPF Office in Glasgow. The minutes of this meeting would be circulated in due course.

Discussions ensued around the annex roof in 5 Woodside Place which is leaking. The Committee were concerned about the amount of money this may take to fix however, no decision has as yet been made due to the costing still being carried out.

(f) OPERATIONAL DUTIES

The Secretary advised the Committee that the JCC Operational Duties Standing Committee met on 12th October 2016 at Woodside Place, Glasgow the minutes of which would be placed on the SPF Website when ratified.

Accelerated Career Development Path (ACDP), Police Diploma & Special Constabulary - There had been no recent meetings in relation of the above.

CBRN - There had been no recent meetings in relation of the above.

Post Incident Procedures - Issues were discussed in relation to what constitutes a PIP. The use of a firearm by police with someone being shot is currently the only occasion when they are used. It was felt that they should be used in the event of all deaths in Police Custody or, following Police contact in particular, with them seizing clothing and, the length of time officers are waiting to have property returned.

It was agreed that a paper would be sent to Senior Management for discussion at the next JNCC and SPCF meetings.

The General Secretary requested that examples of incidents whereby the PIRC take possession of an officers clothing and footwear should be reported to him.

Custody - There had been no recent Sub Group Meetings due to annual leave. An incident had been reported however in relation to officers being asked to clean faeces from cells. This was discussed and will be raised at the next Sub Group Meeting.

The wearing of PPE in the Custody Suite was discussed as it was reported that most Sergeants, Constables and PCSO's do not wear it. Peter Jones Health & Safety Secretary reminded the Committee that the Custody Sub Group agreed that handcuffs and a baton should be worn. There is no requirement to wear full body armour however; the current SOP provides clear guidelines in position to the Custody Board.

Force Armed Policing Monitoring Group - Discussions took place in relation to the storage of weapons currently stored at the Scottish Police College to enable them to be released at short notice.

It was reported that ACC Higgins is concerned as the vehicle currently being used for ARV training is not suitable for purpose.

It was further reported that the uplift in the number of Firearms Officers would be used to assist with local policing. Lengthy discussions took place surrounding public opinion of Firearms Officers being seen with firearms on the street.

As reported at the last meeting there had been a number of issues with some officers experiencing difficulties with body armour for close protection and whether they should be paid a Plain Clothes Allowance to compensate for

special clothing. This has now been resolved and all officers concerned will be supplied with new covers by the end of the month.

3C - An action was raised for discussions to take place with ACC Hawkins with regards issues surrounding the ACR's and street management of calls. As a result of this ACC Mawson arranged for a meeting with staff from East and West ACR's and Brian Jones is sitting on a Committee to review the management of SC03 to SC06 calls. A letter had been sent to ACC Thomson in relation to this in March 2016 and ACC Mawson is endeavouring to resolve the situation. We will continue to monitor what impact this will have on the ACR and street.

Inspecting Rank Steering Group - The Time for Justice 2015, information, which was the executive summary for the Scottish Police Inspectors Working Time and Wellbeing Survey (Time for Justice 2015) was sent out as an EAC circular on 20th September 2016. The recently completed Inspector Survey was forwarded to the Executive and a Scottish Government Working Group has been set up. Andrea MacDonald and Andrew Malcolm will sit on this group, which is being progressed by ACC Williams.

(g) LOCAL NEGOTIATING CONSULTATIVE COMMITTEE (LPNCC)

The Secretary informed the Committee that the last meeting had been held on 4th November 2016 and was chaired by ACC Mark Williams further informing those present that monthly meetings were being held with ACC Mawson and that all areas appeared to have similar problems.

The Deputy Secretary informed the Committee that it was Police Scotland themselves that had made the decision to change this meeting from local to national. There has only been one meeting and if those who attend continue to feel that the current arrangements are not as beneficial then it may be that representations are made to revert to the original format. The next meeting is due to take place February 2017.

(h) DIVISIONAL UPDATES

"C Division" Andy Malcolm informed the Committee that Forth Valley had had 3 monthly meetings. Discussions had been around the 28 day rule regarding Work Force Agreement; staffing; vehicles' continue to engage in dialogue very beneficial meetings.

“E” Division – Ricky Wood informed those present that a number of deployment and resourcing issues had been identified and in particular the lack of cover in the Sergeant rank due to shortages. Superintendent Horan has acknowledged the difficulty and has indicated that he will take steps to rectify the problem. Issues surrounding annual leave and radio procedures were also discussed.

“J” Division – John McEwan updated the Committee the last meeting had been held in August. Some of the topics raised had been RDU’s posting officers to temporary places of work at a whim; risk assessments; the perceived lack of welfare considerations by RDU’s and the Force and identifying officers going on acting lists. Working hard to try and resolve these however, they appear to be hitting a brick wall due to the lack of compliance with Police Regulations by RDU. The Secretary and Chair will bring this up with ACC Mawson when next they meet. The next meeting is due in January 2017.

“P” Division – Graham Ross informed the Committee that the last meeting with A/Chief Superintendent Gall had been held on 5th December 2016. Topics discussed had been PIO’s and the shortage. It is almost a daily occurrence that Sergeants are asked to help out however this should improve by January 2017. RDU’s and how A/Sergeants are being placed for backfilling. The ongoing process on how to abolish Opportunity Day albeit Fife Management are keen to keep this issues had been identified but some solutions had been found. The difference between staff in the East and West had been discussed along with Management Call Cards. The Representatives are hoping to meet the Chief Superintendent regarding best practice once a month. There are Health & Safety concerns regarding the batteries for Airwave terminals and it is hoped an audit would be carried out. Court raised confusion regarding 28 days, over all it had been a pretty positive meeting. Meetings will continue on a monthly basis.

(i) **MAJOR EVENTS**

Hogmanay – Resources have been identified including a number of public order officers from throughout the country whom, we have been told have all been identified and informed accordingly.

Hearts v Aberdeen - football match will be held on 31st December 2016 at 1945 hours this is a category B Match and resources have been identified for this. Officers have already been informed.

Torch Light Procession – takes place on Friday 30th December 2016 with a night before concert in West Princes Street Gardens. Predominantly a family event with last year’s event welcoming over 40,000 people.

All officers working these events should have been notified. Custody resources have been informed and will be providing transport for prisoners arrested in the City Centre whilst the event is taking place. The next meeting is due to take place on 8th December 2016.

(j) SPF CONFERENCE

The next SPF Conference will be held at Turnberry between 27th and 30th March 2017.

At the last JCC Meeting the Equality Committee put forward a Motion which raised their concerns regarding holding the 2017 Conference at Turnberry however, due to the cost of cancelling the venue, JCC decided to go ahead.

A lengthy discussion ensued with various EAC Representatives voicing their concerns about the venue due to the ties with Donald Trump. At this point Andrew Malcolm said that the Motion put forwarded by the Equality Committee was to review the decision made in 2013 by JCC he then asked for Standing Orders to be suspended to allow for further discussions. Thereafter the Standing Orders were reinstated.

6 NEW BUSINESS

MOTION 1

“That this Area Committee asks the Joint Central Committee to discuss the current CRTP process and consider a negotiated agreement to align it to the PDR/PDC systems to reduce bureaucracy and duplication”. (Motion was carried)

MOTION 2

“That this Area Committee asks the Joint Central Committee to seek compensation for officers when their Rest Days are re-rostered and notification of their replacement Rest Day is not provided within 4 days as per the Regulations”. (Motion was carried)

MOTION 3

"That this Area Committee asks the Joint Central Committee to discuss the promotion confirmation process and align it to PDR/PDC to reduce bureaucracy and duplication".
(Motion was carried)

MOTION 4

"That this Area Committee asks the Joint Central Committee to discuss the structure and composition of the Scottish Police Federation". **(Motion was carried)**

MOTION 5

"That this Central Conference asks the Joint Central Committee to seek an amendment to Section 51 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 to extend football banning orders to include any person merely found in possession of pyrotechnic devices". **(Motion was carried)**

8 COMPETENT BUSINESS

No competent business received.

9 DATE OF NEXT MEETING

The next meeting will be held on Wednesday 1st March 2017.

10 CLOSURE OF MEETING

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

Grant McDowall
Secretary

Nigel Bathgate
Vice-Chair