



Scottish Police Federation North Area Committee

Minutes of the 2nd quarterly meeting of the Scottish Police Federation – North Area Committee held on Monday 1st June 2020 via Video Conferencing.

1. Members Present

Full Time Officials

David Threadgold	Chair
Neil MacDonald	Secretary
Ross Polworth	Vice Chair
James Thomson	Deputy Secretary

Constables	Sergeants	Inspecting Ranks
Mike Purdie Linsey Burns Shirley Moran	Simon Lewis-Dalby Caroline MacNaughton David MacAlpine	Nick Clasper

Apologies were received from Marc Lorente and Megan Heathershaw – work commitments and AL.

2. Opening of Meeting

The Chair 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 expressed his appreciation at having the opportunity of undertaking the role of Chair and welcomed Ross Polworth to his role of Vice Chair. He also recognised the hard work undertaken by the part-time federation representatives, in addition to their full time roles.

The Chair thereafter provided an explanation as to the circumstances leading to the unorthodox approach to holding the North Area Committee (NAC) Meeting.

3. 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 Inspector Nick Clasper and Constable Mike Purdie.

4. Rank Committee Meetings

Separate Rank Committee meetings were not facilitated.

5. Matters Arising Action/Decision Log

Action Log business to be carried forward to the September NAC.

6. Standing Items

6.1 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 JCC Agenda comprised the usual items.

Points of Note:

- **Legal Update –**

•	CR ON	CR OF	CO ON	CO OF	CICA	EMP	LEGAL	PI	OTHER	RTA
EAST		4				1		1	5 (FAI)	1
WEST	3	9	2			3		3 (3)	2	4
NORTH	1	3			1	4				3 (1)

61 since last meeting; 390 live; 51 closed since last meeting.
Total of £671,199 was recovered for the membership in both personal injury cases.

JUDICIAL REVIEW 1

- **Allard (On Call Recognition) –**

Waiting on update from Information Commissioner – is scheduled for July 2020

- **Holiday Pay –**

Currently looking to re-open negotiations with PSOS due to the NI judgement, correspondence will be issued to members involved – seeking a higher level of compensation and PSOS are willing to return to the table Holiday Pay is focussed on financial rather than the allocation of time off.

Discussion followed after a query was raised around TOIL not applying to the Holiday Pay formula.

The question of equality was asked and it was agreed to raise this via the Equality Group and an update circulated, prior to the next NAC meeting.

- **WhatsApp –**

Date scheduled for July.

- **Sheku Bayoh Update –**

The meeting was given an update and we are awaiting the progress and format of the public enquiry – this is on hold due to Covid.

- **Judicial Review -**

Legal opinion sought re COVID 19. One of the opinions was in reference to misconduct and ability to refuse to attend an incident without appropriate PPE

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).

PNB has not met.

TWG has met on 3rd April and 1st May 2020 – this group has considered various aspects as detailed in the paper.

COLLEGE ALLOWANCE – raised by the Official Side – driver behind this was to reduce payment to those currently in receipt; potential on a pro-rata basis that they had to deliver training elsewhere as an alternative to the overnight allowance.

OVERSEAS DEPLOYMENTS – DH and PI Ewen Logie from OS to engage with International Unit and others. Advice sought from Hardie Caldwell in relation to tax and deployment overseas.

POLICE OFFICER HANDBOOK – sent out for consultation and small group (DJK, JM and EL – joined by CS) continue to work on this; discussed at TWG around progression and preparing for approval at PNB.

BEREAVEMENT LEAVE – Progressed in EWG in an effort to standardise approach to bereavement – this was deferred to TWG

COP 26 – This event has now been postponed into 2021 for a date yet unspecified. Staff Side representations continue to identify special arrangements in recognition of COP 26.

COVID-19 RELATED ISSUES – The committee were made aware of the impact of COVID 19 and working arrangements that were implemented.

Additional hours worked by PI's - it was suggested by SS that PI's should be able to claim TOIL for additional hours worked (usual TOIL rules to apply re buy-back etc) up to a maximum of 8hrs, and if there was an excess of 8hrs in a week then the officers should be paid for this at normal OT rates – these discussions are at the early stage.

Special Constabulary – some expectation that there could be an increased requirement for SC's – not materialised to date. Remuneration highlighted by the SS re COVID and the potential impact of the government furlough scheme on same

Pension issues re COVID – re those officers who delay retirement or come back to work from retirement due to the current crisis – being addressed at UK level

PAYSCALES – Impact of movement date (September to April) – difficulty in relation to leap frog – PC to PS and PI to CI as consequence of 31 month pay deal. PC to PS – leapfrogging cannot take place due to the Regulatory position.

PI to CI – there is an impact on removal of the pay point and lump sum increase – potential for leap frogging to occur – artificial increment date has been introduced to ensure no detriment – increment date of 1st October will be applied; if they were going to be leapfrogged they will progress earlier or on 1st October to ensure that this does not occur, this will be a short term solution to ensure there is no detriment.

PAY CLAIM 2021 – The committee discussed the SPF's approach to upcoming Pay negotiations. The Chair requested that any informed suggestions should be forwarded to the Secretary for submission to the JCC.

• **Pensions –**

CS was involved in teleconference on 2nd April with 26 parties re UK pensions consultative forum. Meeting was focussed on E&W however there are issues in relation to devolved matters.

COVID 19 – RETIREES / RE-JOINING - same issues being pursued in E&W to meet the pledge of 20,000 additional – issue of retiring and rejoining – work done by PFEW was helpful in relation to COVID.

Issue of GAP and abatement – impact of tax – treasury have indicated that those staying or returning prior to 30th June will not be impacted by tax in relation to GAP. Doesn't address issues around recruitment.

OPT OUT DATA - difficulty in getting accurate data from employers in relation to opt out rates of the police pension schemes

COST CAP MECHANISM – Judicial Review – FBU raising action in relation to the pause on the cost cap introduced by Liz Truss. Had this been applied the employers cost would have increased as would members benefits.

FBU were keen to go on their own, police staff associations remain interested parties – there are 44 interested parties in the FBU claim including 8 police staff associations; 884 page document has been lodged in support of this claim.

CHANGES TO ANNUAL ALLOWANCE / TAPERED ANNUAL ALLOWANCE – impact on high earners, annual allowance limits of 40k still applies, impact on CI and other Federated ranks due to impact of promotion and double accrual.

COMMUTATION CAP (2.25x) - for those retiring between 25-30 years and less than 50 – PFEW Superintendents have instructed legal challenge around the 2.25 commutation cap.

MCCLLOUD AND SARGEANT REMEDY - matter was to be concluded on 20th May – this has been continued until later in 2020.

The Chair provided a summary on the 'hurt feelings' claims detailing who is eligible to make a claim through the SPF.

- **Scottish Police Consultative Forum (SPCF) –**

SPCF business was carried forward to the next JCC

- **Scottish Police Authority**

SPA business was carried forward to the next JCC.

- **Scottish Police Budget and Financing**

SP Budget and Finance business was carried forward to the next JCC.

- **Scottish Parliament/Political Engagement**

SP/PE business was carried forward to the next JCC

- **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.

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Met on 5th March 2020.

Part Time Officers + Overtime – recording of part time hours as single rate payment – part time officers not credited with pension rights, advised that this has been rectified by PSOS, however PT officers should ensure that this is recorded correctly to ensure appropriate pension credit. Should be additional hours rather than straight time overtime.

Absence Data – This continues to be discussed although appears to have been resolved.

PAY ON PROMOTION – DCC Will Kerr confirmed that if there is evidence that people were underpaid whilst in PSOS time, i.e. after 1st April 2013 then this should be addressed and resolved. Focus was on disadvantage for those entering PSOS, with PSOS eventually agreeing to extended agreement to 2009.

SC requested SPF comms on the subject in order to inform all who are affected, both positively and negatively. This request was declined – comms to be left with PSOS to disseminate....

Telematics – this continues to be an issues particularly regarding data capture and impact of crash information

WPRG – Review – WPRB now being attended by Area Secretaries – impact of shift patterns seeking to change based on COVID 19; nothing to report.

PODG, SOP & POLICY SUB GROUP –

PODG – This group met via teleconference on 16 April 2020. Outstanding actions regarding on call arrangements were discussed but no updates were provided.

ASPS rep made the point that any good work done during Op Talla was captured for outstanding issues at PODG. This was agreed by all.

No other business was taken on the day.

- **PSoS Reform (was 2026 update)**

PSoS Reform business was carried forward to the next JCC.

- **Police Related Charities**

PRC business was carried forward to the next JCC.

- **ICPRA/Eurocop**

EUROCOP approaching the end of its current 5 year cycle – there are elections in November;

Only candidate for Presidency is CS.

Eurocop congress remains scheduled for November – this will be dependent on movement restrictions – this could go ahead.

ICPRA has been rescheduled for June 2021 – potential conflict for COP 26.

6.2 Subject Committees

The minutes of all national Subject Committees were circulated.

- **CONDUCT**

As all will be aware the scheduling of any new misconduct hearings/meetings has been suspended during the Covid 19 outbreak. Any business scheduled prior to the outbreak has also been suspended. This is entirely appropriate, and whilst frustrating for subject officers is unavoidable. I am grateful for the support you have given to subject officers and kept them up to date with any updates as they became relevant.

As I type, discussions are taking place regarding the potential re-start the meeting/hearing process. Understandably, PSD want to get the process moving and in conjunction with the SPF, we are exploring options including Video Conference, socially distanced gatherings etc. None of these will be agreed to without the agreement of all parties and the absolute assurance that the required support is there for subject officers.

North Area Conduct Meeting

The conduct committee meeting was held in Dundee on the 14th January 2020. The minutes have been circulated.

EQUALITY

Prior to the Deputy Secretary providing his update, the Chair wished to recognise the significant amount of work undertaken by James Thomson and Caroline MacNaughton in respect of COVID 19, and thanked them for their continued commitment.

Deputy Secretary provided an update;

- **JCC Equality Committee**

The Committee met via Video Conferencing on 8 April 2020, the Minutes have been circulated - No Comments received.

- **PNB(S) Equality Working Group**

The last meeting was held in Glasgow on 4 March 2020.

Flexible Working Guide was on version 5 and still being discussed.

A proposal in relation to **Parental Bereavement Allowance** in line with the recent Government announcement was presented to the Force. Implications in line with the existing regulatory position were being considered.

- **SPF Conference 2021**

The Equality Group are centering their input at Conference 2021 on Flexible Working and General Wellbeing Support. Potential speakers have been identified.

- **Ill Health Retirement/Redeployment.**

This can be a very difficult time for our members, no matter what stage of the process, life changing decisions will be made that have a huge impact on them and their families. Fear will always play a part and have both a mental and physical impact on their well-being. As such it is crucial to be able to support them through this.

The redeployment aspect of the process can be forgotten, but must always be the starting point for any process. The Force must make every effort to introduce reasonable adjustments within the workplace to accommodate the needs of the Officer as well as carry out relevant risk assessments and these must be regularly reviewed.

- **Update on ET Decisions**

Ashton v Marks and Spencer plc ET 2020 – (circulated)

- **COVID issues**

Shielding Guidance, The committee discussed the ongoing Covid issues and guidance provided to staff re Shielding.

- **Best Practice**

The Deputy Secretary is very keen to hear of good practices and how this would benefit the Force moving forward.

- **Long Term Illness/Injury**

An agreement has been reached with the regard to the sharing of information with the SPF of those that are sick or injured. The onus still firmly remains with line management to make the SPF aware of those individuals that require additional support

Equality, Diversity and Inclusion Employment Group

The Group hasn't met since met 14th February 2020 at SPC. An update was provided at the last NAC, however still keen to hear of issues that can be taken to this group.

- **Modified duties update**

Work is continuing with this through David Hamilton, Equality Lead Nigel Bathgate and the three Equality Area leads in partnership with P and D.

HEALTH & SAFETY

Introduction

As you may expect, the majority of recent health and safety matters concern COVID19. On a regular basis the AGSH, Gordon Forsyth, along with Vice Chair Brian Jones and Full time Office Bearers (FTOB's) responsible for H&S attend regular Op Talla meetings. During these meetings we continue to highlight areas of concern and assist in providing solutions to problems encountered.

May I take this opportunity to thank you all for your assistance with conducting Welfare visits on your stations and stations close to you. From the visits carried out by us FTOB's it is evident that the majority of officers are respecting social distancing guidance and suitable measures put in place by supervisors

Violence

The Draft Assault pledge was due to be taken to the Strategic Leadership Board in February and approved. It was due to be launched in April but has been postponed for the moment due to COVID 19.

There has been a rise in the recorded numbers of assaults which is thought to be down to better recording. There is still a disparity between the numbers of incidents recorded on SCOPE and the number of charges brought against offenders. It is important to remind our colleagues to make sure both reports and SCOPE correspond with each other in this regard.

The issue of officers being spat/sneezed/coughed on had been reviewed by the Lord Advocate in relation to COVID19. It is the Lord Advocates intention that these offences should be treated with a greater degree of seriousness.

The issue around Police Assaults was raised. The discussion centred around OST training being limited in terms of contact; with queries around management/OST instruction possibly being a factor.

The Secretary requested one representative from each Division to provide clarity on these issues in their respective area. Officers identified to feed into OST via Sandy Smart, to provide an update on this issue at the next NAC.

ACTION: Officers identified: Shirley Moran, Mike Purdie & Linsey Burns.

PPE

COVID19 – The force was first notified of COVID-19 on 31st January 2020. At that time the advice was that the minimum level for protection was FFP3 masks. This has not changed. What has followed has led to some confusion among members regarding the use of other masks. SPF advice, from our panel of experts, state that only FFP3 provide the maximum safety.

Once again, any officer exposed to a situation relative to COVID-19 should record it on Scope in order that there is an evidence trail.

OPERATIONAL EQUIPMENT

New Body armour – This continues to be delivered.

Footwear – Following trials the Altberg boot has been recommended and it is still the intention of the Chief Constable to issue these to operational roles. A figure near 18000 including Special Constables has been quoted. Unfortunately, due to COVID19 this is also on hold at present.

Fleet – All vehicles that are due to be replaced should still be replaced despite current disruption.

Any vehicles that have been exposed to someone with COVID19 should be cleaned using an external contractor. If for any reason this is not possible officers should be in full PPE when cleaning vehicles.

Members should be reminded that it is vital vehicles are being cleaned routinely between shifts.

First Aid

Naloxone – It had been agreed that there would be a “proof of concept” carried out due to the potential side effects related to it.

Administration & Governance

RIDDOR reports already recorded have been reviewed by the Health & Safety Manager individually. The Guidance is clear in relation to the reporting of COVID19 related

incidents at work. It was expected that there would be underreporting of these incidents.

Training

Congratulations to Scott Macdonald, Nic Clasper, Linsey Burns, Marc Lorente, Mike Purdie and Simon Lewis-Dalby who attend and passed their recent IOSH training course. All passed with flying colours! Hopefully we will all benefit from your enhanced knowledge but most importantly you find it beneficial to the work you do. Certificates would be sent in due course when safe to do so.

6.3 Standing Committees

FINANCE STANDING COMMITTEE

Update provided on FSC – minutes will be circulated.

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.

Update provided on Legs and Regs – minutes will be circulated.

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.

Update from Ops Duties was given – minutes to be circulated.

7. Area Meetings Update

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.

No scheduled Divisional meetings have taken place in the last few months due to the Covid related issues.

Operation Talla meetings have been held three times a week since to start of the pandemic and any divisional staff related matters have been discussed at that forum.

A – David Threadgold, Chair gave update. The FTOs meet with Chief Superintendent Thomson every quarter and will see as and when he needs to.

The sergeant and Inspector Forum continues to highlight and address divisional issues. Sgt Simon Lewis-Dalby provided a brief update on ongoing support.

A Division are currently 46 under establishment. 30 Probationers starting SPC at end of March. 43 Temp Sergeants although recent process will see that number drop significantly.

The Vice Chair and I have been having meetings with Northeast MSPs in relation to the budget. We have been putting a local perspective on it and asking them what they potentially thought 75-100 fewer officers in A division would mean to the safety of the public and officers.

D – James Thomson, Deputy Secretary gave the update -

- Deputy Secretary – undertakes regular contact with CS Andrew Todd and his Command Team, including Peoples Board, issues are discussed and clarity sought.
- Deputy Secretary - D Division Resourcing Review Management Group and Divisional Resourcing Consultation – This is currently on hold due to the current COVID situation.
- Deputy Secretary – update main issues across the Division and issues raised with North HR Business Partner
- A Consultation surrounding the challenges faced when seeking to meet the needs during night time economy on a Friday and Saturday evening has concluded. Those involved were from Perth and Kinross and Dundee and there were 94 respondents. Results have been passed to Division.

8. New Business

No new business has been brought to the secretary's attention.

9. AOCB / Correspondence

No AOCB has been brought to the secretary's attention.

The following items of correspondence were received:-

1. Gary Johnston wrote to the secretary on the 18 March, intimating his resignation from the NAC following his success in being promoted to Sergeant. The secretary read Gary's letter to those present and will record the committee's appreciation for the work and time committed to the NAC by Gary during his time on the committee.
2. The subject of CAM, which was implemented in D Division during COVID lockdown, had been experiencing some initial issues.
3. The Secretary reported that he is to meet with ACC Hawkins re the transferring of CAM across divisions, and requested that specific examples be passed to Mark Mackay for progression.

ACTION: Examples of difficulties with CAM be passed to Mark Mackay

4. The issue around communication was raised, in terms of information not being disseminated quick enough or part time reps not being kept informed. It was stated that all information is disseminated as soon as possible and all reps were reminded to check their SPF email regularly for such pertinent information.
5. The question was raised why JCC Circulars had not been published on the website since 2017. It was however, identified that JCC Circulars were on the website until February 2019, albeit in a different location.

ACTION: Why have no JCC Circulars been published since 2019 to be asked.

OUTCOME: The difference between the publishing process in 2017 and 2019 was due to website changes, however the issue of the publication of the latest Circulars has now been addressed.

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

The Chair advised the next Meeting of the North Area Committee is scheduled to be held on Monday 31st August and Tuesday 1st September 2020 at the SPF Office, Dundee commencing at 1300 hours on Day 1 and 0900 hours on Day 2.

An update will be given nearer the time should Government Guidelines prevent us from meeting face to face.

The Chair thanked the Committee for their active and constructive participation and closed the Meeting.

He was thanked by the meeting in the customary manner.

David Threadgold
Chair

Neil Macdonald
Secretary