



Scottish Police Federation
5 Woodside Place Glasgow G3 7QF

**Joint Central Committee
Conduct Subject Committee**

Ref: CS/DJK/LS

MINUTES

6 August 2019

1. Attendance and Opening

North Area Committee	Andy Horne
North Area Committee	Caroline MacNaughton
North Area Committee	David Threadgold
North Area Committee	Martyn Turner
East Area Committee	John Hay
East Area Committee	Heather Macdonald
East Area Committee	David Reid
East Area Committee	Michelle Ritchie
West Area Committee	Dougie Chalmers
West Area Committee	Gordon Cumming
West Area Committee	Lorna Hogarth
West Area Committee	Alistair MacKinnon
West Area Committee	Pamela McFarlane
West Area Committee	David Somerville
West Area Committee	Chris Thomson
Deputy General Secretary	David Kennedy (meeting Chairman)
Assistant to the General Secretary (Conduct)	Amanda Givan
Vice Chair	David Hamilton
Business Administrator	Lesley Stevenson

The Chairman opened the meeting by welcoming everyone and invited all to take an active part.

Apologies were received from Graham Ross, Euan Sinclair, Paul McWhinnie, Stuart Finnie, Lynne Gray, Stuart Burns and Eddie Mather.

2. Minutes of Previous Meeting

The Minute of the previous meeting had been circulated with JCC Circular 12 of 2019 and was noted.

3. Criminal Cases

The AGSC told the Committee that since 1st May 2019, there had been 26 applications from members seeking legal advice and assistance for criminal matters. 10 applications were for on duty complaints and the remaining 16 were for off duty incidents. Of the 26 criminal investigations, 14 officers were interviewed and/or appeared in court and received very short notice legal representation.

The on duty matters included sexual offence allegations, data protection offences, assault and road traffic offences. Off duty matters included Sections 38's, contempt of court, stalking, road traffic offences, drugs and theft and fraud.

16 officers were currently suspended from duty, seven in the East, four in the North and five in the West Area. All officers were suspended in respect of serious criminal allegations which were now at various stages of criminal proceedings or moved to misconduct investigations. Six officers were expected to resign from the service in the coming months.

It was noted that there were no particular emerging trends.

The ASGC said that she would report on the number of cases concluded to date at the next meeting.

Michelle Ritchie raised an issue relative to a suspended officer's annual leave in the East area. The Committee discussed the matter and it was noted that the SOP issued clear guidance on this as did the paperwork provided to the suspended officer.

David Somerville raised the issue of returning to work after a suspension and asked if there was any guidance. The AGSC said that the regulations only covered the suspension and subsequent 4 weekly review. The Deputy General Secretary said that SPF has asked for a formal process a number of years ago. It was noted that this matter would be raised by the Vice Chair who has the portfolio for welfare at the PSoS Wellbeing Group and the Deputy General Secretary would raise the matter with Professional Standards Department.

The Chair sought the assurance from all present that members were receiving support when needed. Those present agreed that the officers who wished support from the SPF were in receipt of it.

4. Conduct

The AGSC said that there was a continuing reduction in gross misconduct cases to misconduct with the submission of regulation 11 responses from subject officers.

North Area

David Threadgold gave an update on the North Area and advised that since the last meeting there was currently 7 ongoing conduct cases and 7 off duty conduct cases. There had been 2 resignations, one misconduct hearing resulting in a final written warning and one misconduct meeting resulting in improvement action being given. There had been 5 misconduct matters dealt with as improvement actions following the completion of the

investigation and four criminal enquiries closed with no action required or misconduct being found. There had also been three 'with cause' drugs tests carried out.

East Area

Heather Macdonald updated that there had been no new on duty conduct cases in the East since the last meeting but there had been a few at the assessment stage. There had been 4 new off duty cases, 3 of which were gross misconduct and one misconduct.

There were no apparent emerging trends noted.

Two on duty cases had been concluded resulting in written warnings and improvement action being given. Two off duty cases had been concluded resulting in an improvement action and verbal warnings.

West Area

Lorna Hogarth stated that since the last meeting there has been one gross hearing resulting in dismissal without notice and one misconduct meeting resulting in a written warning. A further misconduct meeting appeal had been upheld resulting in a final written warning/written warning being reduced to a verbal warning.

Two hearings had been cancelled as one officer retired on an ill health retiral and one officer resigned. Five officers are suspended. One misconduct meeting has been scheduled for 17 September 2019. One gross hearing has been scheduled for 16 September and another for 30 September.

Two officers await the outcome of the investigation report, both currently sitting at gross misconduct. Further information was provided in respect of specific cases in the west.

It was noted that there is continued success with responses to Regulation 11 investigations with a recent case being reduced from gross to minor.

There is an increase in conduct off duty and on duty cases.

Lorna reported that there were currently 65 cases in the West Area.

The Chair sought the assurance from all present that members going through the misconduct process were receiving support. Members agreed that officers who wished support from the SPF were receiving assistance.

5. Complaints Against the Police

The AGSC said that the last meeting of the Scottish Police Authority (SPA) was held on 3 July 2019 but she had been unable to attend. PSD had provided a performance report covering 1 April 2018 – 31 March 2019 at a previous meeting, held on 16 May 2019. The Committee discussed the report and noted an 8.2% decrease in complaints generally, a 9.8% decrease in allegations and almost 11% decrease in on-duty allegations. The report is available on the SPA website and was circulated.

6. Performance

The AGSC said she had not been made aware of any matters progressing on Performance Regulations.

David Threadgold advised that performance issues in respect of an officer in the North who had been dismissed and then reinstated was being reconsidered. He and the AGSC had discussed the matter.

There were no performance cases in the East or West Areas since the last meeting.

The Deputy General Secretary said that training should be arranged for members of the Conduct and Equality Committees on Performance Regulations.

The Committee discussed inexperienced probationary officers and the reduction in divisional support and it was agreed that the Vice Chair would raise the issue with Leadership and Development.

The Chair sought the assurance from all present that members were receiving relevant support. Those present advised that there was generally a lack of information in respect of performance matters.

7. Post Incident Procedures

The AGSC reported that there had been 2 post incident procedures (PIP) held since the last meeting; one in the North Area and one in the East Area. The case in the North was still being investigated by PIRC but was expected to be resolved in the near future with no criticism of the officers involved. The case in the East Area was no longer being investigated by PIRC as it was quickly apparent that it did not meet their criteria.

The Deputy General Secretary said that PIP was being used more frequently to managed instances of death and serious injury and that PSoS had a cadre of around 40 PIP managers. It was agreed that the Vice Chair would attend a future meeting of this Committee to discuss post incident management procedures.

8. Police Investigations and Review Commissioner (PIRC)

The Committee noted the number of live PIRC investigations commenced since the last meeting and number of PIRC reports published since the last meeting, which had been circulated in the Agenda Papers prior to the meeting. The AGSC said she intended to forward any details of the investigations and reports published to the Committee when available on the PIRC website. She asked the Committee to inform Area Leads if they become aware of any PIRC investigations to assist in identifying the investigation listed on the website due to the limited details provided.

The Chair sought the assurance from all present that members involved in a PIRC investigation were receiving support. Those present agreed that officers who sought support from the SPF were in receipt of assistance.

9. Review of Complaints Handling, Investigations & Misconduct

The AGSC said that there had been 30 recommendations contained within the report. She agreed to circulate the report again to the committee and it was agreed that a Working Group should be arranged to consider the recommendations. The AGSC asked that any comments/observations should be submitted by the end of August prior to the first meeting of the Working Group which had yet to be arranged.

10. Training

The AGSC said that training in the 2014 Conduct Regulations had taken place in all areas and for FTOBs. No other training had been arranged.

11. Conference 2021

The Committee were asked to submit any suggestions for Conference 2021 prior to the next meeting.

12. Competent Business

Whatsapp

The Committee noted that the number of officers involved in this case had reduced to eight who remained serving. The opinion in this matter was in the process of being challenged by the SPF as it held wide ranging issues for the entire service. Further updates will be reported.

With Cause Drugs Samples

The Committee discussed this issue and said the matter could be discussed later when ACU attended the meeting.

FSC Recommendation

It was agreed at the FSC meeting on 30 July 2019 that all members of the Conduct Committee would receive iPads to use for their work relative to Conduct. The recommendation was due to be considered by the JCC at the next meeting.

13. Closure

Date of next meeting: 29 October 2019

The Chairman thanked everyone for their contribution and wished everyone a safe journey home.