



Scottish Police Federation  
5 Woodside Place Glasgow G3 7QF

**Joint Central Committee  
Conduct Subject Committee**

Ref: CS/DJK/LS

17 January 2017

**MINUTES**

**1. Attendance**

North Area Committee	Sandy Smart
North Area Committee	David Threadgold (by VC)
East Area Committee	Amanda Givan
East Area Committee	Steven Herd
East Area Committee	Scott Meechan
West Area Committee	Gary Gray
West Area Committee	Gary Mitchell
Deputy General Secretary	David Kennedy (meeting Chairman)
Assist. to the General Secretary (Conduct) AGSC	Jim Foy
Business Administrator	Lesley Stevenson

Apologies were received from John Crawford, Stuart Finnie and Lorna Hogarth. Lorna was replaced by Gary Gray.

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

**2. Minutes of Previous Meeting**

The Minutes of the previous meeting had been circulated with JCC Circular 56 of 2016 and were noted.

**3. Legal Assistance**

The AGSC confirmed there had been 34 criminal cases submitted since the last meeting and 7 applications regarding conduct issues. He said that there was an ongoing Judicial Review in respect of a Regulation 9 matter. This was discussed by the Committee. It was noted that the SPF continue to attend meetings between solicitors and members when possible which was thought to be very worthwhile.

#### **4. Complaints against the Police**

The AGSC told the Committee that he had attended the final SPA Complaints and Conduct Committee meeting on 27 November 2016. Discussion was held regarding the replacement body for this group and the information produced by it. It was noted that the SPF had not been invited to sit on the replacement body. The AGSC was to look into this matter.

It was also noted that no statistics were available and the AGSC said he would speak to PSD regarding frontline resolution. The AGSC said a Complaints against the Police SOP was being prepared and was expected to be put out for consultation in the near future. Amanda Givan said that as opposed to statistics being available showing the number of complaints etc, information on the outcome of the complaints would be more beneficial. The AGSC said this information was available through the Minutes of this Group and said he would prepare a breakdown for the next meeting.

#### **5. Conduct**

The AGSC said that the total number of live cases being monitored by the leads was 272. There were 55 in the North, 77 in the East and 140 in the West. It was hoped that the numbers would reduce due to ongoing work between SPF, ASPs and PSD in an effort to modernise processes and assess enquiries in line with appropriate legislation.

Since the last meeting there had been three misconduct hearings, one resulted in a fine and two resulted in dismissals. One case will progress to an appeal. A number of further cases were expected in the near future. There had been several misconduct meetings across the country and these were being monitored by Area Leads. It was noted that there is currently two ongoing appeals against disposal sitting with the DCC designate.

The AGSC told the Committee that the work being carried out by PSD relating to the 2014 Regulations was now complete. Due to a change in management, this work will no longer be going forward to the Scottish Government and the SPF will be consulted in the near future on any new proposals.

A training day run by PSD was held in October and the AGSC attended and gave an input from an SPF perspective. The day was well attended by senior management across many divisions and was thought to have had a positive impact.

A working group had been set up by PSD to carry out a training needs analysis and it was envisaged that training courses would be run in the future. The SPF will be invited to comment on the format of the training.

The AGSC said that, following representation from the SPF, a number of recent cases had been reassessed by both PSD/DCC designate which resulted in matters being progressed as misconduct as opposed to gross misconduct. Supt Andy McDowall was the new lead for conduct within PSD and engages with SPF on a regular basis.

It was noted that Mr Victor Marshall had been invited to attend Conference to provide an input on the principles of the 2014 Regulations. The theme for Conference will be Performance and Proportionality.

## **6. Performance**

The AGSC said that Performance Regulations as an alternative to Conduct Regulations remain largely unused and that work was still being done on this issue.

## **7. Police Appeals Tribunal**

It was noted that there was one ongoing appeal in the North area and that a resolution was expected in the near future.

## **8. Police Investigations and Review Commissioner (PIRC)**

A meeting had been held recently and a further meeting was to be held later that day. PSoS had recently issued a memo in relation to PIRC powers. The SPF had responded to PSoS disagreeing with the content of the memo.

The Committee discussed PIRC seizing personal property in matters where officers were not suspects in any enquiry. It was noted that the recent memo issued stated that 'like for like' footwear was now being offered in cases where footwear had been seized, this was a change in policy following SPF representations.

It was further noted that there were currently 15 ongoing investigations.

Amanda Givan asked if there was a process in place for investigations and said that it would be helpful. The AGSC said he would raise the issue at the meeting scheduled for later that day. The Committee discussed the categories used by PIRC and it was noted that an officer's status was of paramount importance. The AGSC said that information was on the SPF website regarding this and a JCC Circular had previously been issued. It was noted that an App would be useful for this.

## **9. Vetting**

The AGSC told the Committee that the Working Group had now concluded and recommendations from it had been sent to the Force and was out for consultation.

The Committee discussed previous warnings and how they affect officers applying for postings or promotion. It was noted that legal challenges could be pursued and that there was a time process of three months for a Judicial Review. It was noted that a legal opinion had been sought. The Deputy General Secretary asked for any examples to be sent to him as soon as possible.

It was noted that one of the SPF solicitors was working on a training package regarding the Judicial Review process and it was hoped it would be available in February/March. A training seminar would be held when it was available.

## **10. Competent Business**

Amanda Givan attended a meeting of the Anti-Corruption Unit Re-Integration Reference Group, on 12 January in Stirling. It had been the first meeting of this Group and work was carried out on putting a process/toolkit in place for reintegrating dissatisfied officers back

into the service following any ACU/PSD enquiry. It was expected that any recommendations from the group would eventually be circulated for consultation. The Committee agreed that Amanda should continue to sit on this Group.

## **11. Closure**

Date of next meeting: 18 April 2017

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