



Scottish Police Federation
5 Woodside Place Glasgow G3 7QF

**Joint Central Committee
Conduct Subject Committee**

Ref: CS/DJK/LS

MINUTES

23 January 2018

1. Attendance

North Area Committee	John Crawford (by VC)
North Area Committee	Sandy Smart (by VC)
East Area Committee	Heather MacDonald (by VC)
East Area Committee	Steven Herd (by VC)
East Area Committee	Scott Meechan (by VC)
West Area Committee	Gary Mitchell
West Area Committee	Stuart Finnie
West Area Committee	Phil Maguire
Deputy General Secretary	David Kennedy (meeting Chairman)
Assistant to the General Secretary (Conduct)	Amanda Givan
Business Administrator	Lesley Stevenson

Apologies were received from David Threadgold.

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 Minute of the previous meeting had been circulated with JCC Circular 43 of 2017 and was noted.

3. Legal Assistance

It was noted that since the last meeting, there had been 19 off duty criminal applications for legal advice and assistance and seven on duty criminal applications for legal advice and assistance. There was also a further 11 applications for legal advice in respect of misconduct matters.

It was noted that the number of criminal cases currently being monitored by the Area Conduct lead was 33 on duty and 32 off duty in the West, 17 on duty and 11 off duty in the North, and 11 on duty and nine off duty in the East.

It was further noted that there were currently 22 officers suspended from duty throughout the force; three in the East area, 12 in the West Area and seven in the North Area.

The Committee were reminded that the AGSC must be informed prior to the submission of any applications for legal advice and assistance in respect of misconduct matters. Any applications made without full information will be rejected.

The Deputy General Secretary said that advocacy training would be provided later in the year. The training currently provided in respect of the 2014 Regulations indicated that the SPF were best placed to present a plea in mitigation, and the advocacy training when provided would assist further.

4. Complaints against the Police

The AGS(C) said that she had been unable to obtain the relevant figures for this meeting. She said she would seek to obtain these and circulate them when received.

5. Conduct

It was noted that there were currently 38 on duty and one off duty conduct matters being monitored by the Conduct lead in the West, five on duty and 10 off duty conduct matters being monitored in the North, and nine on duty and seven off duty matters being monitored in the East.

Since the last meeting there had been two gross misconduct hearings in the West resulting in a dismissal and a final written warning and six misconduct meetings with a variation of disposals given.

Since the last meeting, in the North there has been one gross misconduct hearing resulting in a dismissal and two misconduct meetings resulting in a verbal warning and a written warning.

Since the last meeting, in the East there has been one gross misconduct hearing resulting in dismissal and two misconduct meetings resulting in verbal warnings being given.

The AGSC said that since the last meeting she had provided an input on the Presenting Officer course run by PSD in December in respect of the old Regulations. Due to staff changes in PSD and the number of scheduled 1996 and 2013 hearings, the training was necessary. She also advised that 2014 training had been given to all FTOBs in the East and in the West, where the remaining West Area Committee conduct representatives were trained. John Crawford advised that he had carried out training in the North Area.

6. Performance

The AGSC advised she had been informed by PSD that they were returning more cases back from initial assessment to Divisions to be dealt with by the Performance Regulations. The SPF is not aware of this increase in either enquiries or use of the performance regulations. Stuart Finnie advised that there appeared to be real differences in approach on performance over conduct in the West, with G Division in particular very quick to opt for conduct as opposed to performance.

7. Police Appeals Tribunal

There were no current live tribunals. It was noted that there are a number of outstanding appeals which, depending on the result may progress to a tribunal. Discussions took place on a recent judicial review where the judgement was awaited.

8. Police Investigations and Review Commissioner (PIRC)

The AGSC told the Committee that she liaised with PIRC officials regarding processes etc.

She also said that she had been invited to a meeting with PSD in respect of processes involving PIRC enquiries. The Committee were encouraged to send any issues or suggestions to her for inclusion.

9. Competent Business

The AGSC told the Committee that a new form had been developed for all matters being dealt with under the 2014 Regulations. It is still in its initial stages of completion and will be shared initially with Conduct Leads prior to being rolled out to everyone.

The Deputy General Secretary gave an overview on a recent Supreme Court Judgement P (Appellant) v Commissioner of Police of the Metropolis (Respondent), highlighting that this matter arose due to an officer being dismissed at a gross misconduct hearing and believing she had been discriminated in respect that her PTSD was not properly considered.

It was noted that timescales in relation to appeals, PATs and possible employment tribunals need to be carefully considered.

10. Closure

Date of next meeting: 17 April 2018

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