



Scottish Police Federation
5 Woodside Place Glasgow G3 7QF

**Joint Central Committee
Conduct Subject Committee**

Ref: CS/DJK/LS

MINUTES

30 April 2019

1. Attendance

North Area Committee	Caroline MacNaughton
North Area Committee	David Threadgold
North Area Committee	Martyn Turner
East Area Committee	Steven Herd
East Area Committee	Heather Macdonald
East Area Committee	David Reid
West Area Committee	Stuart Burns
West Area Committee	Stuart Finnie
West Area Committee	Lorna Hogarth
West Area Committee	Stuart Johnston
West Area Committee	Pamela McFarlane
West Area Committee	Paul McWhinnie
West Area Committee	Chris Thomson
Deputy General Secretary	David Kennedy (meeting Chairman)
Assistant to the General Secretary (Conduct)	Amanda Givan
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, Andrew Horne, Gordon Cumming, Lynne Gray and Eddie Mather.

The AGSC said that she would be writing to Area Secretaries asking them to remind Area Representatives that it is a duty to attend Subject Committee meetings and apologies must be submitted prior to the meetings.

2. Minutes of Previous Meeting

The Minute of the previous meeting had been circulated with JCC Circular 5 of 2019 and was noted.

3. Legal Assistance

It was noted that since the last meeting, there had been 24 applications for legal advice and assistance for criminal matters; eight for on duty and 16 for off duty issues. Two of the applications for on duty offences did not meet the criteria and were rejected. One application for an off duty matter was also declined.

There were also a further six applications for legal advice in respect of misconduct matters. Three of the applications received initial advice from a solicitor and reverted back to the SPF to progress. One application was declined and the remaining two are being handled by a solicitor.

The Deputy General Secretary, for the benefit of new members, explained how the Legal advice and assistance scheme worked. He said that he was examining whether a free or discounted will writing service; power of attorney; conveyancing and family law service could be added to the terms of the scheme and that he would be advancing this when a new Memorandum of Understanding between the SPF and solicitors was considered in October.

4. Complaints against the Police

The AGSC reported that queries from members to the SPF in respect of complaints against the police continue to be on the decrease. Figures from the Force advise that the most common on-duty allegation categories remain Irregularity in Procedure, Incivility and Excessive Force. Insufficient enquiry and insufficient updates remain the most common issues within Irregularity in Procedure. There has been an overall decrease of 11% in allegations. On-duty allegations have decreased by 12.4%.

The Committee discussed a recent example and the effects it can have on promotion prospects etc. They also discussed officers not being informed of the complainer being issued a letter. It was agreed that this matter could be raised with PSD at a meeting to be held the following day.

5. Conduct

The AGSC said dates for training on the 2014 Regulations would be circulated in the near future.

NAC

David Threadgold provided an update on the North Area and said that since the last meeting there had been one criminal on duty case and nine criminal off duty cases. There were two on duty conduct cases and two off duty conduct cases. He reported his frustration that no meetings or hearings have taken place since the last meeting, despite preparation being carried out.

EAC

Heather Macdonald gave an update on the East Area and said that there were currently 6 officers suspended in the East area. She said there were 11 criminal on duty cases, two of

which are suspended and nine criminal off duty cases. There were 10 on duty conduct cases and six off duty conduct cases.

Since the last meeting there had been one conduct meeting resulting in an improvement action and one gross hearing resulting in a verbal warning.

She said that recent trends included an increase in sexual crimes and domestic related matters.

WAC

Lorna Hogarth gave an update on the West Area and said that there were 26 on duty criminal cases and 14 off duty criminal cases. There were 20 on duty conduct cases and 8 off duty conduct cases.

Since the last meeting there had been three gross hearing resulting in one dismissal with notice, one receiving a final written warning and one receiving a verbal warning. One misconduct meeting had taken place resulting in a final written warning and a written warning (currently under appeal).

Two hearings had been postponed, one for a legal opinion and one for medical reports. One scheduled joint hearing had been postponed and will be restarted with a new Investigating Officer. One gross hearing was ongoing and would conclude on May 20th 2019. Six officers were currently suspended and one minor meeting was scheduled for 9 May 2019.

Training was scheduled for 24 May 2019 for new Conduct single point of contacts and reserves. It was expected that there would be an increase in meetings and hearings in the near future as many Regulation 11 notices had been served recently and a number of reports finalised for a decision on how to progress.

She reported that there had been success relative to responses to Regulation 11 investigations, one recently resulted in no case to answer and another with a very minor improvement action ordered.

6. Performance

At the last meeting it was agreed to put this matter back on the Agenda following a case in the North Area where an officer was dismissed at the final hearing in the process. The matter had been handled badly and as such the officer had been reinstated and now faces no continuation of the performance regulations.

The AGSC said that she was not aware of any performance matters being dealt with under formal performance regulations.

The Committee discussed the Committee's training needs and were reminded that formal guidelines were available on the website. It was agreed that joint training could be carried out with the Equality Subject Committee.

7. Police Appeals Tribunal

It was reported that there was one appeal outstanding relative to an East Area officer.

8. Police Investigations and Review Commissioner (PIRC)

The AGSC said that she last met with Mr McSporran on 22 January 2019. Amongst the matters discussed was the process used by PIRC relative to contacting police witnesses. It had been reported to her that officers were often not given sufficient notice and could be left feeling unprepared. PIRC had advised that they followed the process agreed with PSoS and encouraged the SPF to engage with the police to improve the process.

The AGSC said she had spoken to PSD relative to officers involved in incidents where PIRC were carrying out investigations and learning the outcome through the news. PSD advised that when PIRC prepared a report for publishing, it is firstly shared with PSD to ensure that those involved are aware in advance of its publication. It is the responsibility of PSoS to carry this out. PSD had admitted that whilst the report and outcomes were forwarded to the Divisional Commander, perhaps it could have been made clearer that ALL involved were to be updated prior to its publication. She said she was aware that this had been put into place following the recent publication in respect of a C Division Taser discharge. The officers involved in that investigation had been informed prior to its release.

9. Competent Business

Review of Complaints Handling, Investigations & Misconduct

The AGSC reported that she, the General Secretary, Deputy General Secretary and Area Leads had met with Dame Eilish Angiolini QC and the review team. The meeting focused mainly on welfare and an interim report was awaited.

Conduct Posters

It was agreed that posters could be arranged with conduct representative photos and email addresses on them to be placed on noticeboards in police stations. Photographs could be taken at Area Committee meetings if it was felt this would be helpful.

Conference

The Committee discussed Conference 2019 and whether they thought the joint conference with the Equality Subject Committee worked. Feedback was to be submitted through Area Leads or directly to the AGSC. Members were asked to submit any ideas for Conference 2021 to the AGSC.

10. Closure

Date of next meeting: 6 August 2019

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