



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

Joint Central Committee Minutes

Minutes of the meeting of the Joint Central Committee held on Tuesday 12th May 2020 by Video Conference.

1. Attendance and Opening

SPF Office Bearers:

David Hamilton Chair

Calum Steele

David Kennedy

Brian Jones

General Secretary / Treasurer

Deputy General Secretary

Vice Chair

North Committee:

Nick Clasper

Neil MacDonald

Scott MacDonald

Ross Polworth

David Threadgold

James Thomson

East Committee:

Stephen Clark

Heather Macdonald

Andy Malcolm

Stevie Neilson

Graham Ross

Ricky Wood

West Committee:

Hugh Burns

Paul Connelly

Jennie McFarlane

Gary Mitchell

Adam Peppard

Jenny Shanks

Assistants to the General Secretary (AGS)

Amanda Givan (Conduct)

Nigel Bathgate (Equality)

Gordon Forsyth (H&S)

Also in attendance

Doug Keil

Lesley Stevenson

Business Manager

Business Administrator

Due to the COVID-19 situation, the meeting was conducted by Video Conferencing.

The Chair opened the meeting by welcoming everyone and in particular Jennie MacFarlane, James Thomson and Stevie Neilson who were attending their first meeting since replacing John Munn, Gordon Forsyth and Grant McDowall respectively.

Apologies were received from Cath McNally who was replaced by Hugh Burns.

Standing Orders were adopted for the duration of the meeting.

2 Minute of Previous Meeting

The Minute of the previous meeting was circulated with JCC Circular 19 of 2020 and was accepted as a true record.

3 Legal Advice and Assistance

The Deputy General Secretary informed the Committee that since the last meeting 61 new applications were approved for consideration of legal advice and assistance.

These comprised 32 in the West; 12 on duty and 20 off duty, 15 in the East; seven on duty and eight off duty and 14 in the North; nine on duty and five off duty.

These included one CICA case, two civil legal defence cases, two contract dispute cases, 20 criminal legal defence cases; eight employment dispute cases (officers); five FAI cases; one Judicial Review case; one misconduct case; 10 RTAs; 7 personal injury cases; two property protection cases and two miscellaneous cases. Three cases had been rejected since the last meeting.

The Committee noted that there were currently 390 live cases and 51 cases had been closed since the last meeting.

Allard & Others v Devon and Cornwall

The Deputy General Secretary reported that an update was awaited from the Information Commissioner. The Police Service of Scotland (PSoS) had not provided statistics required and a virtual meeting was to be held in July. The PSoS had asked for an adjournment to allow their witnesses to be prepared.

Holiday Pay Claim

The Deputy General Secretary said that the SPF was currently looking to re-open negotiations with the PSoS due to the judgement in Northern Ireland. Correspondence would be circulated to members involved. It was noted that higher levels of compensation were sought. The Committee noted that the issue focussed on financial aspects as opposed to the allocation of time off.

WhatsApp

The Deputy General Secretary reported that the case was set for July 2020. It was likely that it would proceed with a virtual hearing.

Sheku Bayoh

A meeting had been held the previous week and the Deputy General Secretary and AGSC had attended. The matter had been postponed due to COVID-19.

Judicial Review

One Judicial Review was ongoing. A legal opinion had been sought relative to COVID-19.

One of the opinions referred to misconduct and the ability to refuse to attend an incident without the appropriate PPE. The legal advice was summarised to the Committee. The PSoS position was awaited.

4 Police Negotiating Board (PNB)

The PNB had not met since the last meeting. Scheduled dates for future meetings were 18th June and 8th October.

The PNB Technical Working Group (TWG) met on 3rd April and 1st May 2020 and amongst the matters discussed were College Allowances, the Police Officer Handbook, Temporary/acting ranks & Promotion, COP26 and the Overseas allowance.

The next PNB TWG was scheduled for 4th March 2020.

The Committee discussed overseas deployment and the Chair reported that he was to progress this with the relevant personnel within the PSoS. The Committee members gave examples of officers working overseas recently.

The PNB Equality Working Group were looking for a standardised approach to bereavement leave which avoided being too prescriptive.

On COP26, imaginative ideas around rostering and special payments were being examined which might be beneficial for both the service and for individual officers. The inspecting ranks were being specifically considered in relation to extended working hours and the Committee was reminded that these ranks should be recording the hours they worked.

The PNB was also considering special constable's conditions, bonus payments, pay scale assimilations and the future of pay generally.

5 Pensions

The General Secretary reported that the UK Police Pensions Consultative Forum had been subsumed into the meeting of the Scheme Advisory Board for England & Wales (SAB E&W) although distinction between E&W specific, and UK wide issues had been maintained.

The SAB met by teleconference on 2nd April 2020. The meeting was attended by 26 parties representing a multiplicity of pensions interests. Whilst the agenda was largely dominated by E&W issues (and in particular the drive to recruit 20,000 additional officers) many of the issues discussed were relevant to Scotland.

Other issues discussed included, scheme sanction charges (E&W); opt out data; cost cap mechanism - Judicial Review; tax issues; changes to annual allowance / tapered annual allowance; federated ranks honorarium in place of consolidated pay on promotion; contribution rate (cost cap pause) and amended regulations; commutation cap (2.25x), and the McCloud and Sargeant cases.

The General Secretary reported that Home Office Officials were clearly constrained in their contributions given the obligations to the ongoing remedy for the Employment Tribunal cases.

6 Scottish Police Consultative Forum (SPCF)

The Committee agreed to carry this matter over to the next meeting.

7 Scottish Police Authority (SPA)

The Committee agreed to carry this matter over to the next meeting.

8 Scottish Police Budget & Finance

The Committee agreed to carry this matter over to the next meeting.

9 Scottish Parliament & Political Engagement

The Committee agreed to carry this matter over to the next meeting.

10 Joint Negotiating Consultative Committee (JNCC)

It was reported that the last meeting of the JNCC was held on 5th March 2020.

Part-time officers and pensionable pay

It was noted that in some areas, part-time officers working additional hours were recording this time as single rate overtime instead of as additional hours. This resulted in them not being credited with proper pension entitlements. The SPF had been assured that this issue had now been resolved by the PSoS but reminded the Committee to advise members to check that officers were recording this work correctly.

Access to long term absence data

It was noted that this issue appeared to be largely resolved.

Dog Handlers Allowance

The Committee noted that many of the issues with dog handlers' allowance had been resolved however officers had still not received outstanding payments. Members discussed the kennel hour and the lack of consistency across the country.

Pay on promotion

DCC Kerr had agreed to the SPF positions on this matter but all issues had not yet been resolved. PSoS communications had been amended to accurately reflect the SPF position. The Chair agreed to pursue unresolved issues that were raised with him.

Telematics

It was reported that a Memorandum of Understanding (version 14) was with solicitors for reviewing and was expected to be signed off soon. G Division were being selected for a pilot in early June.

WPRG

The Deputy General Secretary reported that the Minute of the last meeting had been circulated.

It was noted that there had been no meetings of the People & Operations Group, SOP and Policy Sub-Group and the P&S Policies & Procedures Sub-Group.

The next meeting was scheduled for 4th June 2020.

11 Finance Standing Committee (FSC)

The Finance Standing Committee met on 21st April 2020 and the Minute was to be circulated when complete.

The General Secretary reported that the Investment Portfolio had lost almost 10% of its value and that this was due to the volatility of the stock market.

The Committee noted that the budget previously earmarked for campaigns on police funding, and on police pay had not been spent and due to the ongoing pandemic, were unlikely to be so. The FSC had agreed to recommend to the JCC that;

1. The budget previously approved by the JCC and allocated to the police funding campaign should not be used.
2. The budget previously approved by the JCC and allocated to the police pay campaign should not be used.
3. A £100,000 budget be allocated to potential COVID-19 expenditure.
4. A further £100,000 COVID-19 contingency fund be approved, conditional on its use being subject to a report in advance to members of the JCC.
5. Consideration be given to seeking restitution from the Service in respect of the £50,000 spent on hand sanitiser.

All five recommendations were approved by the Committee.

Stevie Clark reported that the PSoS had identified a confidential in respect of the provision of some services to members. The General Secretary advised that he had been in dialogue with PSoS relative to this matter.

12 Legislation and Regulation Standing Committee

The Legislation and Regulation Standing Committee met on 21st April 2020 and the Minute would be circulated when complete.

It was reported that the Scottish Government had published its first amendments to the Coronavirus regulations on 11 May 2020. These primarily concentrated on issues that would impact on the Criminal Justice Services Division (CJSD), virtual courts, and private prisons.

Given the obligations on Government to review the regulations every three weeks it was inevitable further short / no notice amendments would follow.

13 Operational Duties Standing Committee

The Operational Duties Standing Committee met on 21st April 2020 and the Minute would be circulated when complete.

The General Secretary reported that Stevie Clark, Ian Florence, and Heather Macdonald had carried out spot checks at Jackton and St Leonards which resulted in significant changes to improve the working conditions at these locations.

The Deputy General Secretary reported that a Working Group had been created in response to issues arising from the cancellation of annual leave and holiday arrangements due to Covid19. The Committee also discussed the impact that the lack of childcare provision caused for officers and it was agreed that there was an increased need for flexibility by the PSoS.

The Chair reported that there were currently no provisions to address performance issues in the Special Constabulary. It was further noted that they had personal accident insurance but had no access to injury on duty, pension provisions or legal protection. The Chair was in ongoing dialogue with the PSoS over these matters

14 Conduct Committee

The Conduct Committee met on 7th April 2020 and the Minute of that meeting was circulated with JCC Circular 20 of 2020.

The AGSC said that the Professional Standards Department had now returned to progressing cases to misconduct meetings or hearings. This was for cases with no civilian witnesses or where pleas in mitigation were the only substantive element.

15 Equality Committee

The Equality Committee met on 8th April 2020 and the Minute was circulated with JCC Circular 20 of 2020.

The AGSE reported that due to the current pandemic with COVID-19, all meetings had been suspended with no dates for future meetings set.

16 Health and Safety Committee (H&S)

The H&S Committee met on 9th April 2020 and the Minute was circulated with JCC Circular 20 of 2020.

The AGSH reported that several station visits had been completed and were primarily positive. Issues identified included cleaning regimes, social distancing and corporate signage. These had all been addressed.

It was reported that a service improvement notice had been served on PSoS in relation to breath testing. The SPF position on this was informed by the advice received from the panel of experts appointed to advise on issues in respect of COVID19.

The General Secretary reported that there had been a flat refusal from the service to engage on the issues despite generous offers of time to seek resolution. Consequently there had been two engagements of significance with the Cabinet Secretary and the Chief Constable who had a desire to resolve the matter. A further 48 hours had been afforded to find a resolution.

17 SPF Training

The Committee agreed to carry this matter over to the next meeting.

18 JCC Circular

The following JCC Circulars had been issued since the last meeting:

- 05/2020 Conduct, Equality & H&S SC Minutes January 2020
- 06/2020 FSC, L&R and Operational Duties SC Minutes January 2020
- 07/2020 New Justice Sub-Committee on Policing Report: Facial recognition: how policing in Scotland makes use of this technology
- 08/2020 Police Pensions – Addressing Discrimination
- 09/2020 Naloxone – Carriage and Administration by the Police
- 10/2020 Conference of the Parties (COP 26)
- 11/2020 Gender Recognition Reform Scotland Bill
- 12/2020 Annual Leave and Public Holidays (Officers) SOP proposed V1.00
- 13/2020 Policing Football Guidance
- 14/2020 Secondments Procedure
- 15/2020 COVID-19
- 16/2020 COVID-19 – SPF Update 18 March 2020
- 17/2020 Employment Tribunals – Information (not for general publication)
- 18/2020 Temporary suspension of Police Medical appeals
- 19/2020 JCC Minutes February
- 20/2020 Conduct, Equality and H&S Minutes April 2020

19 Police Service of Scotland Reform

The Committee agreed to carry this matter over to the next meeting.

20 SOP Consultation

The Committee noted the SOPs that were issued for consultation since the last meeting.

- 19 February 2020 Gender Recognition Reform (S) Bill
- 19 February 2020 AL and PH (Officers) SOP v1.00
- 21 February 2020 Policing Football Guidance v0.04/EqHRIA

- 16 March 2020 Secondments Procedure
- 6 April 2020 Cyber Kiosk Toolkit v5.00

The Committee noted the SOPs that were not issued for consultation since the last meeting.

- 3 February 2020 National Firearms & Explosive Licensing Scheme of Delegated Authority
- 5 February 2020 Social Media (Police use of) Guidance Doc/EqHRIA
- 26 February 2020 Custody Transfer Guidance v5.05/EqHRIA
- 20 March 2020 My Career v0.07
- 3 April 2020 SPC Probationary Officer – Op Talla (urgent)
- 27 April 2020 Operation Sandbed Guidance v1.00

21 EuroCOP/ICPRA

The General Secretary reported on the developments at the EuroCOP meeting held in Porto on 11th March 2020.

He said that it was approaching the end of its current 5-year cycle and elections would be held in November. He was the only candidate for President.

The congress remains scheduled for November however this was dependent on current restrictions.

The AGSC questioned the benefits to the SPF to have continued membership of EuroCOP.

The General Secretary said that in common with trades unions, staff associations could not always be focussed only on what it could gain but should consider what it could contribute to others. He specifically identified that relationships and learning will be more important than ever in a post Brexit world and that amongst other things EuroCOP had provided useful platforms for the SPF to participate in summits on football violence, conferences on artificial intelligence, and inter union research on police vehicles.

It was noted that the ICPRA Conference had been postponed until June 2021.

22 Police Related Charities

The Committee agreed to carry this matter over to the next meeting.

23 Correspondence

The General Secretary told the Committee that no correspondence of any great significance other than relating to COVID-19 had been received by him. He had however written a number of letters to both the Chief Constable and Divisional Commanders relative to the same issues.

24 Competent Business

The Committee noted that the Bravery Awards had been cancelled for 2020 however nominations remained open. It was hoped that the event would be held in 2021 as scheduled.

The General Secretary reported that in relation to the wellbeing survey it was hoped to be progressed in the Autumn with the second part of the Duxbury survey delivered within the next few weeks.

It was reported that the Strategic workforce plan was being considered across the service and that SPF representatives should ensure that divisional commanders were aware of our views on resourcing.

25 Closure

The Chair thanked everyone for their attendance and inputs at the meeting and advised that the next meeting would be held on 18th August 2020. A vote of thanks was given to the Chair.

David Hamilton
Chair

Calum Steele
General Secretary