



Scottish Police Federation East Area Committee

Minutes of the Fourth Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 2 December 2020 Via Video Conference

1 OPENING OF THE MEETING

The Chair welcomed all those in attendance to the Fourth Quarterly Meeting of the East Area Committee for 2020. A special welcome was given to Keith Warhurst, Martin Vickerman, David Hayes and Graeme Mathers who were attending their first EAC Quarterly Meeting as newly elected representatives.

The Chair informed the Committee it was his sad duty to report that since the last Quarterly Meeting we had lost one of our members, Constable Carol Crawford, "P" Division, who sadly passed away on 4th October 2020 after a very long and courageous fight against cancer. As a mark of respect, the Committee stood for a minute's silence in memory of Carol.

The Chair further informed the Committee that sadly one of our members had lost their wife earlier in the month to COVID-19 and we would continue to support and assist the family. He highlighted some of the benefits and support offered by police charities to families at such a difficult time, particularly the St. George's Trust. The Chair asked those present to continue to highlight the benefits of the SPF Insurance and the various charities to the membership.

The Chair was not aware of any matters or requests for Rank Committee Separates.

Standing Orders were adopted and the meeting was declared open.

2 ATTENDANCE

Inspector Mark Murphy	C - Forth Valley
Inspector Martin Vickerman	C - Forth Valley
Inspector Keith Warhurst	C - Forth Valley
Sergeant David Reid	C - Forth Valley
Sergeant John Burgoyne	C - Forth Valley
Sergeant Anne Begley	C - Forth Valley
Constable Lyn Redwood	C - Forth Valley
Constable Gavin Grant	C - Forth Valley
Inspector Peter Jones	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Inspector Norman Towler	E - Edinburgh
Inspector Mark Sherman	E - Edinburgh
Sergeant Heather Macintyre	E - Edinburgh
Sergeant Christopher Richardson	E - Edinburgh
Sergeant Craig Fogg	E - Edinburgh
Sergeant David Hughes	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh
Constable Stephen Neilson	E - Edinburgh
Constable Richard Wood	E – Edinburgh
Constable David Davison	E – Edinburgh
Inspector Michelle Ritchie	J - The Lothian's & Scottish Borders
Inspector Andrew Toombs	J - The Lothian's & Scottish Borders
Inspector James Morrison	J - The Lothian's & Scottish Borders
Sergeant Bryan Jones	J - The Lothian's & Scottish Borders
Sergeant James Gowling	J - The Lothian's & Scottish Borders
Sergeant Ross Drummond	J – The Lothian's & Scottish Borders
Constable Alan Hastings	J - The Lothian's & Scottish Borders
Constable Darren Gallagher	J - The Lothian's & Scottish Borders
Constable James Friery	J – The Lothian's & Scottish Borders
Inspector James McLaren	P - Fife
Inspector Ian Stephen	P - Fife
Sergeant Craig Menzies	P - Fife
Sergeant Graeme Mathers	P - Fife
Sergeant David Hayes	P - Fife
Constable Ian Rushford	P - Fife
Constable John Turley	P - Fife
Andrew Malcolm	Chair
Graham Ross	Vice-Chair

Stephen Clark
Heather Macdonald

Secretary
Deputy Secretary

3 APOLOGIES

Apologies were received from Calum Baird, Michael Williamson, Amanda Givan and Nigel Bathgate.

4 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting held on Wednesday 9 September 2020 had been circulated to the Committee and were approved by those present.

5 MATTERS ARISING

(a) JOINT CENTRAL COMMITTEE UPDATE

The last meeting had taken place on Monday 2nd November 2020 via Video Conference.

An election had taken place for the posts of Assistant to the General Secretary (Conduct) and, Assistant to the General Secretary (Equality).

AGS Conduct: Amanda Givan being the sole candidate was proposed, seconded and duly re-elected.

AGS Equality: James Thomson being the sole candidate was proposed, seconded and duly elected. James will replace Nigel Bathgate who is due to retire in March 2021.

Thereafter, the Secretary provided updates on the ongoing legal cases including:

LEGAL UPDATE/OVERVIEW:

	ON DUTY	OFF DUTY	TOTAL
EAST	12	7	19
WEST	14	22	36
NORTH	6	7	13

- **Allard (On Call Recognition)** - negotiations remain ongoing with PSOS. At early stages of court proceedings which, remain an option should negotiations stall.
- **Holiday Pay** - negotiations are ongoing with PSOS around a better settlement.
- **WhatsApp Case** - Still sitting at the appeal in the inner house. No further update at this time.
- **Sheku Bayoh** - The SPF continue to support the officers directly involved in the case.

The Public Inquiry commenced on 30th November 2020. Updates regarding the inquiry are on www.shekubayoh.inquiry.scot

- **Injury to Feelings Claim (Pensions)** - 6,500 officers have lodged claims seeking in relation to injury to feelings caused by the discrimination in the taper arrangements.
- **Victimisation claim against the SPF regarding pensions** - Leigh Day legal firm have lodged a claim against the SPF on behalf of claimants (913), in connection with the handling of pension reforms. All pension enquiries received by the Committee are to be forwarded to the Full-Time Office Bearers to enable a response by the SPF Executive.
- **Judicial Review** - There are currently two ongoing Judicial Reviews, both relate to the misconduct process.
- **COVID-19 – Annual Leave/Quarantining/Self-Isolation** - this issue has been resolved. Due to continued representation by the SPF, PSOS have now agreed to reinstate annual leave that officers lost due to self-isolation. The process of reinstatement of annual leave hours is to be led by PSOS with the Service identifying and dealing with the relevant officers. (Not in relation to shielding). Self-Isolation is historic - the position going forward is anyone who has to self-isolate and booked leave will get hours back. Shielding is a preventive measure but the self-isolation/quarantine is a legal requirement and therefore, covered by the Regulations.

Police Negotiating Board (PNB)

PNB Technical Working Group (TWG) met in place of the PNB and was beneficial in terms of progressing several ongoing issues, including:

- **Police Officer Handbook** - The handbook is now complete and the on the SPF Website. (Click on Advice and then Regulations). It is also on the Scottish Government website at PNB.Scot

The Handbook is a living document that can be amended as and when required and, it should be noted is not owned by the SPF. PNB is the definitive owner of the handbook. All sides accepted and agreed to it as the definitive guide for Regulatory matters/enquiries.

- **Pay Claim** – was lodged on 9th June 2020 and negotiations are ongoing. The Scottish Government Budget and settlement will not be known until 28th January 2021.
- **COP26 - Special Arrangements** – Discussions and negotiations remain ongoing.
- **College Allowance & Overseas Deployments** - No progress due to COVID. Both issues remain on the agenda.
- **PNB Equality Working Group** - This Group has not met since the last EAC meeting.

- The Committee were encouraged to read the presentation by Superintendent Laura McCluckie on the proposals in respect of My Careers, the new Diploma, Promotion processes and Accelerated Promotion.

Pensions:

- **UK Government Consultation Forum (UKPPCF)** – No further update. SPF submission made to the UK Government was circulated via JCC Circular 61/20.
- **Cost Cap Mechanism** – This continues to be challenged with SPF being one of the interested parties.
- **Scottish Police Pension Board (SPPB)** - The Board have concerns around the SPPA e.g. issues around Annual Allowance, Life Time Allowance and a data breach in relation to Retired Officers. For those reasons, the Federation, ASPS and SCPOSA representatives feel they have lost confidence in SPPA and are seeking to raise these concerns with the Scottish Government.

There are concerns that the SPPA will be unable to cope with the forthcoming pension 'remedy'.

Scottish Police Consultative Forum:

The Secretary informed that the SPCF last met on 10th November 2020. The agenda includes the following subjects:

- **Appraisal, Promotion, & Accelerated Promotion** - no major objections highlighted from the Joint Central Committee.
- **In Service Injury Compensation Scheme** – this is like an Injury on Duty but not related to Ill-Health Retiral. We hope that this will feature as part of the 2021 pay claim.
- **Special Constable Uniform and Equipment** – this was raised specifically in relation to uniform and equipment to ensure Special Constables had what they needed to do their job. It also focused on the lack of ability with Police Scotland to remove specials who are not engaging or turning out for duty. There currently is nothing in the regulations to allow non-active Special Constables to have their services withdrawn. There has been media attention in relation to Special Constables and how the numbers have dropped significantly since the formation of Police Scotland however, whilst legacy Forces did carry a high number of special constables, only a relatively small number of them had been active and regularly attended for duty. Work is still to be carried out which will focus on the resignation process and failure to recover equipment.
- **Legal Advice and Assistance** – refers to cases where officers are on duty and subject to an allegation of criminality. In such cases, the SPF would provide the legal assistance claiming the monies back from Police Scotland. This goes back to a Home & Health Department (SHHD) Circular from 1978, which enables police authorities to receive legal costs in relation to on duty matters. The SPF have concerns regarding who governs this process, including decision making regarding funding requests. The SPF have 16 x appeals outstanding currently regarding historic cases where legal costs have yet to be paid.

For clarity, work is ongoing and the members do not need to be concerned, as the SPF will continue to support them.

- **Review of Misconduct Processes (re report by Dame Elish Angiolini)** - the SPF is currently digesting the 490-page report with a view to responding to the Scottish Government Justice Committee prior to the meeting that is scheduled for 7th December 2020. SPF General Secretary, Calum Steele will give evidence on this report.
- **Change Projects Benefit Realisation** - Police Scotland have claimed that they can save on 700 police officers by introducing new mobile devices and other projects e.g.CAM. This is creating a form of 'Frankenstein' accounting in so much that it is a flawed measurement regarding FTE's. It is akin to taking bits of officers joining them together to make full time equivalents. Taking a bit from someone's day to check something on PNC on a hand-held device **does not** equate to an officer on the street.

Scottish Police Authority:

Concerns continue regarding the inadequate scrutiny of PSOS by the SPA. An example of this is the PSOS Cyber Strategy brought to SPA on 6th October 2020 without consultation with the SPF. SPF provided comments which, were totally ignored and the strategy approved. There are ongoing meetings but SPF are frustrated that the SPA is not undertaking scrutiny of PSOS and as an organisation, does not seem fit for purpose. Steps are being taken to try and improve this.

Scottish Police Budget & Finance:

The Police Budget will be set at the end of January. Meantime, the Federation continue to raise the profile of Policing in Scotland in terms of new money and investment therefore, if any members can show a lack of investment or monies being spent in Police Scotland i.e., buildings, vehicles etc they should forward them to the SPF.

Scottish Parliament & Political Engagement:

- **Policing Governance and Accountability Reviews** - SPF has given evidence in relation to policing the ongoing pandemic. There was some criticism of PSOS regarding the response and lack of leadership/communication, which caused issues between PSOS and the SPF, albeit relationships remain professional and are functioning.
- **Hate Crime Bill** – the Scottish Government appear to have recognised the general disapproval of the bill.
- **Police Complaints Handling** - Parliamentary scrutiny expected of this in December.

Joint Negotiating Central Committee:

The last meeting of the JNCC took place on 3rd September 2020, with the following subjects on the agenda:

- **Working Practices Review Board (WPRB)** - topics discussed included Op Talla, Mass Mobilisation and RDU reorganisation. SPF have raised concerns regarding the amount of 'new' shift/roster patterns being submitted.

Work continues on a 'new' specific Work Force Agreement for COP 26.

- **Resource Deployment Group (RDG)** - Concerns regarding the failure to progress any subjects on the agenda – SPF highlighting issue to PSOS via the WPRB.
- **Roads Policing Unit (shift/roster pattern)** - this has been ongoing for a number of years. Work continues to find a suitable shift pattern delay is due to lack of resourcing which fails to meet the requirements of the H&S Risk Assessments.
- **Dog Handler Allowances (nationally)** - Issue regarding mileage allowances due to disparity with differing existing work practices throughout the Force Areas from legacy Forces is now resolved and paid. Further work is required regarding other aspects, e.g., vehicle/kennel cleaning etc. are ongoing.
- **People & Operations Delivery Group (PODG)** - Last met on 20 August 2020 and 16 November 2020 with COVID dominating the agenda.
- **SOP and Policy Sub-Group** - A deluge of SOP's had been circulated for consultation.

Any other Competent Business:

SPF Bi-Annual Conference 2021 – the Conference was due to place at Turnberry in March 2021 however, due to the ongoing pandemic other options are currently being considered including a virtual conference.

2021 is Scottish election year and there are potential benefits for the SPF membership.

SPF Relations with PSOS - due to obvious organisational differences and diametrically opposed positions on some matters, relations between the SPF Trustees and PSOS have, currently been described as challenging.

The SPF Chair provided reassurance that there were no 'difficulties' regarding the relationships between the individuals involved, i.e., SPF Trustees and PSOS Executive and relations were professional and functioning.

It would appear that some individuals have taken organisational criticism personally when Staff Associations/Unions have provided constructive criticism and observations. This is indicative of current communication issues and the views/comments of the SPF not being respected by PSOS.

There needs to be self-reflection and a necessity for more respect between all parties.

SPF Survey - the survey has now closed. Responses were significantly down, except in J Division who had the highest uptake of 37%. Survey results should give us an insight into the challenges faced by our members. The Chair thanked the representatives for promoting the survey.

(b) STANDING COMMITTEE UPDATES

All meetings (Finance, Operational Duties and Legislation & Regulation Committees) held on 13th October 2020, via video conference. The minutes of these were published on the SPF Website and the Federation TEAMS App. The Secretary and Chair updated the Committee on the pertinent elements.

(c) SUBJECT COMMITTEE UPDATES

Conduct

The Chair updated those present informing that the last Subject Committee Meeting had been held on 29th September 2020 by Video Conference. The minutes were disseminated accordingly with the following items worthy of note for the East:

Suspended Officers - The East have had a significant increase in the number of suspended officers and are the highest in the country with 11.

Software – PSD are going ahead with the new system of recording key strokes, including those deleted, on the PNN system. This software is operating in other parts of the UK.

Data Protection - Activity on PSOS systems continues to be monitored by PSD. The Committee were asked to remind members of the guidance and standards of professional behaviour in relation to the use of police systems including emails.

Mobile Devices - PSD and the Crown will be focusing on a policing purpose i.e., what is your policing purpose when at home accessing information or data on these devices. There has been an increase in investigations and referral to Crown as a consequence of 'off duty' access to systems.

IT Trial – Conduct Representatives have trialled 2 mobile devices, they are being evaluated in terms of their suitability for use by all representatives.

Equality & Part-time Working

The Vice-Chair updated those present. The Equality Committee Meeting had been held on 30th September 2020 the minutes of which were disseminated. The following items are worthy of note:

Long Term Absences - Force continue to update which, in turn, assists us to identify those members in need of support.

Ill-Health process - is again up and running, some officers who were going through the process have now returned to work in varying capacities. A new SMP has been appointed by the Force and work is underway in relation to a back log of cases. Officers who are currently going through the ill-health process have been sent Medical Consent Forms as the new SMP is seeking to obtain medical records as far back as the officers' 18th birthday. This has caused a slight delay for some officers. The officers continue to receive support and have had their pay maintained throughout.

Police Treatment Centre - remains open however is operating at a reduced capacity. Officers wishing to attend for psychological issues have had to re-apply due to COVID/time passed in order that the home have the most recent up to date medical information. This has been an issue for some of our officers however, the staff have been quick to assist.

Divisional Practices - Vice-Chair has now met with all Divisional Command Teams in relation to divisional practices to get a common agreement in terms of access to their People Group Meetings. Access was given to some and assurances from others. It is hoped that the EAC Equality Representatives can meet with some Wellbeing champions.

North Area have had issues relating to TRIM. Although not an issue elsewhere within the Force Area, Representatives were asked to inform the Vice-Chair if they hear of any instances of this in the East.

Bradford Score System - Jane Monkhouse and Nigel Bathgate have been looking into the fairness of this System. It is felt it could be discriminatory towards females due to them being more likely to have shorter but more frequent absences than men. They are looking to see if this is something that should be progressed as an equality issue.

Full Maternity Pay - is being extended from 18 to 26 weeks in England and Wales. The Scottish Government do not have not implement this however, they often follow suit therefore, it is hoped this will change to benefit Scottish Officers.

The Committee were then informed that Nigel Bathgate (Assistant to the General Secretary – Equality) is retiring in March 2020 and that James Thomson from the North Area would be his replacement. The committee wished Nigel a very long and healthy retirement and wished James good luck in his new post.

Health & Safety:

The Deputy Secretary distributed a comprehensive update to the Committee via TEAMS highlighting the undernoted significant issues for them to consider including:

COVID – although the Government have approved the first of the vaccinations, it is still going to be many months before the positive impacts of this vaccine are seen in terms of safety. The message is still for officers to ensure that they are following the guidance and getting the message out to our members to ensure that they are following the guidance also. There is an improvement in the wearing of masks. The Committee were asked to make sure it was clear to all their members, staff and colleagues that the cloth face coverings are only for wearing internally. When out operational they must wear the surgical masks that are fluid resistant. Officers have been seen out and about using the cloth face coverings!

Officer Safety Training – a new 2-day OST course which includes the new holds and techniques along with the new first aid training was due to commence 30th November, 2020. The SPF have throughout the process, raised a number of concerns initially in relation to COVID which have now been addressed, latterly because of the introduction of some new manoeuvres. No consultation had been carried out concerning the new manoeuvres, which, is required. This has resulted in OST Training being postponed for four weeks to allow proper consultation in relation to the new techniques to take place. It is hoped that after conclusion consultation the OST Training will recommence.

Discussions ensued regarding OST and training with concerns raised about a four person lift for protest removal, which may be one of the new manoeuvres. Suggestions had been made that Moodle updates would be used for officers which is out of the question for a practical skill as there could be significant risks involved with this.

Concerns have been raised due to the number of assaults against officers and the Force are trying to address this. 'E' Division are to conduct a 4-week trial with the division providing the H&S Advisors on a weekly basis with the number of reported assaults against police officers. The H&S Advisors will check these against SCOPE recording incidents as there is still a vast under reporting of incidents on SCOPE. The Committee were again reminded to get the message out to the officers that these are recorded on SCOPE. (Assault/attempt to assault or a near miss).

Vehicle Equipment User Group – responsible for the purchase of all vehicle safety equipment nationally in all of the vehicles. Update provided to Committee on TEAMS. Phenomenal amount of work has been carried out and is still ongoing.

The National Users Police Fleet Managers Meeting (NAPFM) – the Federation now have a seat at the table and are trying to get a more operational perspective with the Fleet Manager as to the vehicles they are purchasing. A number have been purchased that are not suitable.

Local Policing - all four divisions have H&S Meetings that are working very hard particularly in relation to COVID. They want to get things right due to the numbers of local outbreaks across the country which have resulted in high numbers of officers having to self-isolate. This could be due to close contacts and, or, not following the guidance. One of areas raised causing concern is during lunch breaks when it would

appear that officers are more relaxed letting their guards down and easing on maintaining distance. The clear message is **HANDS – SPACE – FACE**. The new Management Outbreak Team appear to be giving good advice.

NALOXONE – the Federations position has not changed. The decision to carry Naloxone is a matter for an individual but the SPF position is clear -” *The SPF remains completely opposed to the carriage or administering of Naloxone by police officers*”.

At the end of training, officers will be asked if they wish to carry the Naloxone and concerns have been raised that young officers may feel pressurised to do so.

(d) DIVISIONAL UPDATES

‘C’ Division (Forth Valley) – On Wednesday 18th November 2020, Local Reps David Reid, Gavin Grant & Mark Murphy met with Chief Superintendent Gibson. Some of the topics discussed had been as follows:

Shift Pattern (no plans to change at this time); Division are waiting to hear if they will get their own count machine for face masks; System allowing officers to purchase AdBlue is working well keeping vans on the road and saving time; Resolution Team and the poor standard of Crime files; ACR and the negative issue regarding losing the PST; COVID Cover and officers from other divisions covering shortfalls; Lengthy waiting times at custody causing frustration amongst officers; Naloxone pilot being trailed in Falkirk, older officers may stand up and say they feel uncomfortable using this however, there are concerns for young officers who may feel pressurised to using this. The Reps raised the concerns of the SPF in respect of the risks should there be any adverse effects. Another step towards Police Officers taking on partner agencies responsibilities.

‘E’ Division (Edinburgh) – No meeting had taken place since the last Quarterly Meeting.

‘J’ Division (Lothian’s & Scottish Borders) - On 24th November 2020, Darren Gallagher, Michelle Ritchie, Andy Toombs and Bryan Jones met with Chief Superintendent McKenzie, Superintendent Banks and Superintendent Geaney. Some of the topics discussed were:

Loss of RRD’s due to having to self-isolate - the Division want to do the right thing morally therefore; this will be viewed on a case-by-case basis. Dalkeith Custody and closure of cells; Diploma Process; PS/PI Process (looking to provide more support over the next 12 months to candidates); RRD 31/12/2020 Borders perceive they have been disproportionately affected. There is a business need for 31/12, even though Hogmanay effectively has been cancelled, which may be due to Brexit and potential breaches of Covid regulations. Promotion and the Diploma is a big issue due to the lack of opportunities, disappointment in the process and the volume of work undertaken by members.

‘P’ Division (Fife) - John Turley met with Chief Superintendent McEwan on 25th November 2020, topics discussed were:

Overcrowding during shift changeovers – each station and department has a Health & Safety lead who has an oversight for any issues that may arise from Covid related matters however, Sergeants are the first point of contact and should be able to resolve any issues, feeding all concerns to the Inspector. Festive Policing Arrangements; Staff Christmas Nights – advice will be issued to officers; Strategic (local) workforce planning - The Local Policing Plan is in the process of being updated; Fleet and uniformed

officers having to use unmarked hire cars; Estates - there is no change in the plans for Fife; there is a meeting on Friday with the estates team and an update will be provided.

(e) **MAJOR EVENTS**

The Secretary updated the Committee that, due to the ongoing health pandemic there were no major events to report.

6 **NEW BUSINESS**

No new business or motions had been received.

7 **COMPETENT BUSINESS**

Police Treatment Centres - The Chair informed those in attendance that both centres had re-opened at the start of September however, were only operating at 50% capacity due to Covid.

Spaces were available in relation to Psychological Well-being. They are hoping to extend this course for moderate and severe cases however, this is a work in progress.

SPF Annual Awards – the way in which these awards are presented is changing with the ‘new look’ SPF Awards being formally launched in January 2021.

8 **DATE OF NEXT MEETING**

The next meeting will be held on Wednesday 3rd March 2021.

9 **CLOSURE OF MEETING**

The Chair thanked everyone for their active discussions and input into proceedings, he wished everyone a safe onward journey home prior to formally closing the meeting.

Stephen Clark
Secretary

Andrew Malcolm
Chair