



Scottish Police Federation East Area Committee

Minutes of the Second Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 3 June 2020 via Video Conference

1 OPENING OF THE MEETING

The Chair welcomed all those in attendance to this, the Second Quarterly Meeting of the East Area Committee for 2020.

Roll call was taken, a special welcome was given to Gavin Grant who was attending his first meeting as Constables EAC Representative within 'C' Division.

The Chair then went on to thank those in attendance for their commitment going on to say that we were entering into a 'new world', due to the COVID-19 health pandemic, as this was the first time the EAC had used video conferencing facilities for a Quarterly Meeting.

The Chair informed the Committee of the death of 'P' Division Road Policing Officer, Charles Guthrie, who sadly passed away on 9th May 2020. His death was not COVID related. As a mark of respect, the Committee stood for a minute's silence in memory of Charles.

The Chair said he had not been made aware of any matters for Rank Committees Separates.

He went on to say that COVID-19 had brought some significant changes to both the police service and society as a whole. Members were being exposed daily to unprecedented dangers and risks and there had been significant changes in how officers go about their daily tasks. He said that COVID-19 had been the major element since March 2020, it is mostly what representatives have been dealing with, and will continue to deal with on behalf of the members, ensuring that their safety is maximised, whilst they deal with these unprecedented times.

As a result of recent relaxations due to the 'lockdown' restrictions it was noted that this had brought about a significant change in behaviour, with some people disregarding the guidance.

The Chair highlighted that the minutes and papers for the meeting had been circulated to all Representatives prior to the meeting and they had been added to the Microsoft TEAMS App for ease of access.

Standing Orders were adopted, and the meeting was declared open.

2 ATTENDANCE

Inspector Mark Murphy	C - Forth Valley
Inspector Ewan Wilson	C - Forth Valley
Inspector Jim Thomson	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 Calum Baird	C - Forth Valley
Constable Gavin Grant	C – Forth Valley
Inspector Norman Towler	E - Edinburgh
Inspector Mark Sherman	E - Edinburgh
Inspector Peter Jones	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Sergeant Heather Macintyre	E - Edinburgh
Sergeant Christopher Richardson	E - Edinburgh
Sergeant Craig Fogg	E – Edinburgh
Sergeant David Hughes - 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 Ross Drummond	J - The Lothian's & Scottish Borders
Constable Alan Hastings	J - The Lothian's & Scottish Borders
Constable James Friery	J - The Lothian's & Scottish Borders
Constable Darren Gallagher	J – The Lothian's & Scottish Borders
Inspector James McLaren	P - Fife
Inspector Ian Stephen	P – Fife
Chief Inspector Michael Williamson	P - Fife
Sergeant Craig Menzies	P - Fife
Sergeant Graham Ross	P - Fife
Sergeant Graeme McLaren	P – Fife
Constable Austin Barrett	P - Fife
Constable Ian Rushford	P - Fife
Constable John Turley	P - Fife

Andrew Malcolm - Chair
Stephen Clark - Secretary
Heather Macdonald - Deputy Secretary

Amanda Givan - Assistant to General Secretary (Conduct)
Nigel Bathgate - Assistant to general Secretary (Equality)

3 APOLOGIES

Apologies were received from Sergeant James Gowling.

4 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting held on Wednesday 5 March 2020 had been circulated. One amendment made was to correct the date of the June meeting from 6 June to 3 June 2020. The minutes were then approved by those present.

5 MATTERS ARISING

Election for post of Chair - Andrew Malcolm was the only nomination received and was duly re-elected. He thanked the Committee for their continuing support.

Election for post of Vice-Chair:

Nominee:	Graham Ross
Proposed:	Ian Rushford
Seconded:	Michael Williamson

Nominee:	Richard Wood
Proposed:	Stephen Neilson
Seconded:	Andrew Toombs

Graham Ross was duly elected as the new Vice Chair for the East Area Committee.

(a) JOINT CENTRAL COMMITTEE UPDATE

The last meeting took place on 12 and 13 May 2020 via Video Conference the papers of which were sent out to the representatives along with the agenda papers.

The Committee were provided with updates on ongoing legal cases by the Secretary including:

Allard (On-Call Recognition) – Case continues with a Hearing planned for July 2020.

Holiday Pay – Further negotiations are taking place following the (Agnew v PSNI judgement in Northern Ireland) in relation to settlement value.

In relation to holiday pay calculation, TOIL is not included and does not qualify for holiday pay accrual. This is because the legal cases that relate to this are all in relation to financial loss rather than time in lieu of overtime.

WhatsApp – This case is ongoing and has significant implications, not least with the right to an officer's privacy. The Appeal is set for a two-day Hearing in July 2020.

'Sheku Bayoh' Case – This is proceeding to a public enquiry. The officers involved continue to be supported by the SPF.

COVID-19 – A Panel of Experts including Professor Hugh Pennington CBE, Professor Sir Harry Burns, Professor George Crooks OBE and Professor Peter Watson have been 'recruited' by the SPF. The Panel have been helpful in providing the SPF with their opinion and guidance in relation to various matters relating to pandemic, e.g. the importance of social distancing, cleaning and testing, including PPE etc.

COVID-19 – SPF Activities - The Secretary informed those present that on the TEAMS App for representatives, there was a tracking log of SPF activities during the COVID-19 Pandemic for SPF Reps which outlined the work carried out by the SPF. Reps were encouraged to share this with members. He then went on to highlight some of the work carried out such as being heavily involved in Childcare Provision by contacting local authorities providing the necessary care for the emergency workers; lobbying in the media and behind the scenes in relation to COVID related police assaults; purchasing and making sanitisers available to officers; being comprehensively involved with operational guidance and sitting on all of the Gold, Silver and Bronze Groups; creating a logistics cell to assist and liaise with PSOS; SPF interventions have ensured that those on half and no pay were financially protected when there was a lack of SMP provision; Those shielding continue to receive the support of the SPF and officers going through IHR put back on pay who are in the SMP process; the induction of 300 new recruits in March 2020 was, at the time necessary to keep numbers up for COP26; as the pandemic developed the SPF have helped to ensure that social distancing and hygiene measures were in place by carrying out spot inspections; the SPF were involved in the probationer operational deployments that initially caused concern and were instrumental in ensuring appropriate safety measures were put in place; the SPF continue to track the second cadres of recruits through their training; Police Scotland operational guidance and associated documents; face masks for officers; asymptomatic testing; and concerns for officers carrying out breath tests, which reluctantly resulted in the SPF serving an Improvement Notice on Police Scotland and the reporting of

concerns to the HSE - it should be noted that every avenue was exhausted prior to this action being taken - this remains ongoing and is being looked at by the HSE.

Police Negotiating Board (PNB) – There had been no meetings of PNB since the last meeting.

PNB TWG (Technical Working Group) – this group met on 3rd April and 1st May 2020. The main focus was on the Police Officer Handbook (Guide to Regulations) and will be especially useful for local SPF Representatives in assisting the member's enquiries. Further work is being carried out on the College Allowance, Overseas Deployment (Allowances for Disruption).

An agreement has been made in relation to Bereavement Leave which will reflect the 1975 agreement, leaving it open to discretion.

Next meetings of the PNB are 23rd June 2020 and 8th October 2020.

Pay Scales – The removal of increment points for promotions to Sergeants and Chief Inspectors was included in the 2018 pay agreement. Removal of pay points in April 2020, created a 'leapfrog effect' where those promoted prior to April 2020 were not given recognition for their time in rank when compared with those promoted after that date. An artificial increment point has been created to ensure no one is decremented and they benefit from the increase. This is temporary and simply to ensure no one earns more money with less service.

Pay Deal 2021 – Due to the impact of the current health pandemic, there has been no progression in relation to the pay deal.

Pensions – The Secretary reported on the following:

Annual Allowance/Tapered Annual Allowance – Impact of annual and lifetime allowances on pensions in relation to promotions in terms of double accrual.

Cost and Cap Mechanism - The SPF and other Staff Associations have signed up as interested parties in the claim this been lodged regarding this issue. The contribution rate rolled over by the Home Office does not affect the ongoing dispute in relation of benefits i.e. McCloud/Sargent and cost cap case.

Opt Out - work is continuing specifically with trying to calculate the numbers who have opted out ensuring that they are aware of the consequences of doing so. The McCloud/Sargent remedy was scheduled for 20 May 2020, however, was adjourned. Issues raised by interested parties have helped the Employment Tribunal in their deliberations, particularly that returning to old schemes could lead to further detriment for some.

SPF 'Injury to Feelings' compensation claim – re subscribing Voluntary Fund members who were victims of discrimination re the introduction of the 2015 CARE pension scheme. Representatives were reminded that the SPF website (www.spf.org.uk) has a link for those officers who wish to

submit a claim. He asked those present to inform as many of the members as possible about this due to the timescales involved.

Some discussion followed re the Leigh Day law firm challenge and those officers who had signed up with that law firm and the issue regarding representation re the claim.

The Committee were reminded that the SPF are **not** qualified to give any pension advice.

SPF Bravery Awards – these have been cancelled this year however, nominations remain open.

National Police Memorial Day – this has been cancelled for 2020

Joint National Consultative Committee (JNCC) – Committee were updated by the Secretary on the on issues including:

Part-time Officers – Officers working part-time need to ensure their additional hours are recorded correctly by the Force in terms of pay and pension rights, and that they need to ensure that they are receiving the correct pro-rata annual leave that reflects the additional hours worked.

Dog Handlers – this is mainly a legacy Fife issue although resolved, continues as mileage has still to be paid for the historic mileage claims. It is hoped that this issue is resolved in the near future via Payroll. These officers are now recognised as Essential Users.

Pay Anomaly – This is primarily a legacy East issue and affects officers who were promoted to Sergeant and Chief Inspector, at a point when they were at the top of their respective pay-scale and in receipt of CRTP.

As a result of SPF lobbying PSoS are finally now addressing the legacy pay error and have taken the decision to address those who were incorrectly paid during the PSoS era. The Force has taken the decision to go back as far as 2009 in terms of officers who were promoted. This date is relevant because of the pay-scale and CRTP issue, which could have resulted in officers being incorrectly paid under PSoS (i.e. as of 1st April 2013) in terms of progressing through the pay-scales and/or accessing CRTP. Some officers have already been paid and it is hoped that all affected officers will be recompensed in the near future.

PSoS have taken the decision that any officers promoted and incorrectly paid between 2004 and 2009 will not be recompensed, despite not being paid in accordance with the Regulations by their legacy Forces, and PSoS having vicarious responsibility/liability for all legacy Forces.

PSoS's position, and one that has effectively been accepted by the SPF, is that they are not willing to go back any further than 2009. The Force have relied upon the 'the statute of limitations' which, effectively means that after 5 years any legal claims are time-barred.

The SPF sought legal advice and it was confirmed at the JCC meeting in May that any legal action would likely fail due to the statute of limitations and therefore the SPF also consider the matter now closed.

Telematics – The Secretary advised that the SPF had sought legal opinion reference the Memo of Understanding (MOU) and there are apparently no major issues regarding same. A 2-week testing period/pilot started on 31st May 2020 and the MOU (between PSoS and the SPF) will not be signed off until the results from the pilot are received.

Resource Deployment Group – an update was given by the Secretary in relation to Annual Leave due to the current COVID-19 crisis and PSoS policy decisions that had been made in that regard.

(b) STANDING COMMITTEE UPDATES

All meetings (Finance, Operational Duties and Legislation & Regulation Committees) were held on 21 April 2020, via video conference. The minutes of these have all been published on the SPF Website and the Federation TEAMS App. The Committee were updated on the pertinent elements by the Secretary and Chair.

(c) HEALTH & SAFETY

The Deputy Secretary distributed an update to the Committee highlighting the undernoted significant issues for them to consider including:

Custody - officers deliberately being spat/coughed on by detainees claiming to have COVID19 has resulted in some being released from custody on undertaking with claims that this is the updated COPFS guidance. This issue has been raised with CJSD, having been made aware of correspondence between COPFS and the head of CJSD which is contradictory to that position and, in fact, highlighted COPFS's position being an expectation that in most cases, accused persons would appear from custody as they are being progressed on petition. Hopefully, there will be communication within CJSD that supports the position of persons appearing from custody as the preferred option but not foregoing that each case must be considered individually.

Breath Tests (AGP) - The SPF are in dialogue with PSoS regarding their position on the PPE required whilst carrying out roadside breath tests and station procedure breath tests. SPF position is and always has been that carrying out a breath test is an AGP's (Aerosol Generated Procedure) which clearly puts our members at risk, therefore they should be wearing full PPE.

Wearing of full PPE (in particular wearing of FFP3 masks for extended periods of time) – Following complaints and physical injury to officers resulting in facial blistering due to prolonged use, the SPF highlighted this risk to the Force. As a result, the guidance is being updated to ensure officers are provided appropriate breaks to avoid such injuries and also, to safeguard

our members wellbeing. Guidance was circulated on 14th May Nationally within CJSD to ensure this happens when officers are on prisoner observations.

Joint Health & Safety Visits - Between Monday 20th April to Friday 24th April 2020 (inclusive), 13 joint Health & Safety visits were carried out in the East Area, including all 3 currently operating custody suits (2 of which are COVID suits) as well as the ACR at Bilston. Most areas visited are trying hard to follow the guidelines regarding physical distancing and ensuring appropriate hygiene regimes however, a few areas were lacking! Police Scotland has a responsibility under the Health & Safety at Work Act, 1974 to protect the health, safety and welfare at work of all staff. These visits were very well received by our members and improvements across our estate have been carried out as a result. The Deputy Secretary, along with the Health & Safety Reps will carry out visits to premises on a regular basis. Physical distancing and improved hygiene of workstations, touch points and additional vehicle cleaning will be with us for the long term, so we need to change the culture and embed these processes into the 'new normal'.

The last JCC Health & Safety Committee met by video conference on 9th April 2020, the following items were discussed, violence, PPE, First Aid, Wellbeing and Administration and Government Training.

(d) CONDUCT

The Chair updated those present stating that the last Subject Committee Meeting had been held on by Video Conference on 7th April 2020 with the following items worthy of note:

Currently there are: 8 Conduct Cases (5 Gross)
5 Conduct Cases (Closed)
23 Criminal (On-duty)
15 Criminal (Off-duty)
9 Criminal (Closed)

Meetings/Hearings: 1 Hearing (8th June 2020)
7 Officers currently suspended

(e) EQUALITY & PART TIME WORKING

Chair informed that the last JCC Equality Committee meeting had been held by video conference on 8th April 2020 with the following items worthy of note:

- Ongoing learning around case law continues.

- **Conference 2021 – Benefits of Flexible & Agile Working** – This is being progressed by ESC.
- **Update on PNB EWG & Flex Working Guide** – Still being created.
- **Ill Health Retirement** – Work continues around ill health retirement and injury on duty awards particularly around delays experienced by members. Work undertaken to address delays in the current process and pay appeals lodged for those affected by impact of COVID 19.

f) **DIVISIONAL UPDATES**

‘C’ Division – No meetings had been held since the last EAC meeting.

‘E’ Division – Divisional Representatives, Stevie Neilson, Christopher Richardson and Ricky Wood participated in a telephone conference with Chief Superintendent Sean Scott and Superintendent Mark Rennie on 19th May 2020. Some of the topics discussed had been concerns regarding absence due to COVID-19 effecting Bradford scores; flexibility regarding childcare with some officers being told to take leave or TOIL to cover an hour, the current position of the Workforce Plan, and the SPF action that had been taken regarding the risks to officers carrying out breath tests without full PPE. Chief Superintendent Scott was apparently shocked at the action taken by the SPF and he commented that he was unaware of any complaints from staff regarding this issue.

The Chair responded to the matter of breath tests and the action taken by the SPF in that regard and he highlight that it is a national issue and members may not be aware of the risks these tests present to officers. He confirmed that the SPF action had been taken with due diligence and after taking cognisance of information/guidance, which included the Panel of Experts.

Chief Superintendent Scott and Superintendent Rennie apparently welcome the regular meetings with the local reps and also stated that they are happy to be contacted by local reps regarding any issues that may arise between meetings.

‘J’ Division – Divisional Representatives Andy Toombs, Michelle Ritchie, Ross Drummond and Bryan Jones participated in a video conference with Chief Superintendent John McKenzie and Superintendent Helen Harrison on 28th May 2020. Topics discussed had been the success of CAM; Sergeants being able to access SCOPE to vary officers' shifts; the lack of advertised posts; promotion and development; annual leave (allocation still to be confirmed for 21/22). Chief Superintendent McKenzie raised the issue of social distancing and hygiene measures and expressed his thanks to the full-time SPF officials for their support that they had provided to the Division in this regard in recent weeks.

'P' Division – Divisional Representatives James McLaren and Graham Ross met with Chief Superintendent Derek McEwan on 6th May 2020. The meeting was apparently productive and topics discussed included a new shift pattern for Community Officers; A/L and the possible knock on affect due to COVID-19; Absence Contacts and the growing number of complaints from officers that these had fallen away; Mental Health contacts and how more can be done for these vulnerable officers; the roll out of CAM and a general consensus that the division had responded well to the COVID-19 pandemic in a positive manner.

(g) 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

No competent business.

8 DATE OF NEXT MEETING

The next meeting will be held on Wednesday 9th September 2020.

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