



Scottish Police Federation East Area Committee

Minutes of the Third Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 1 September 2021 within The Houston House Hotel, Uphall, Livingston, EH52 6JS

1 OPENING OF THE MEETING

The Chair welcomed those in attendance to the Third Quarterly Meeting of the East Area Committee for 2021.

A warm welcome was extended to the newly elected Representatives on the Committee, namely; Eric Dickson (J), Allan Lapsley (C), Ben Pacholek (P), Willie Rennie (E), Kevin Taylor (P) and Gareth Watt (J), along with a welcome back to the committee to David Hughes (J).

Two members had resigned since the last EAC meeting due to substantive promotions namely Jim Friery (promoted to Sergeant) and John Burgoyne (promoted to Inspector). The Chair wished them both best wishes for the future, thanking them on behalf of the SPF and the membership for their efforts and commitment in their role as Local Representatives.

The Committee were informed of the sad loss of one of our members, Chief Inspector James Davenport, who sadly lost his fight with cancer on 14 July 2021. A minute silence was held in his memory.

The Chair highlighted relevant and appropriate housekeeping and safety information including re COVID safety measures, and reminded those present that every member would have the opportunity to express their views and that **all** points or issues **must** be directed through the Chair allowing everyone who wished to participate the opportunity to do so.

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

2 **ATTENDANCE**

Inspector Mark Murphy	C - Forth Valley
Inspector Keith Warhurst	C - Forth Valley
Sergeant David Reid	C - Forth Valley
Constable Allan Lapsley	C - Forth Valley
Constable Gavin Grant	C – Forth Valley

Inspector Peter Jones	E - Edinburgh
Inspector Mark Sherman	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Inspector Norman Towler	E - Edinburgh
Sergeant Heather MacIntyre	E - Edinburgh
Sergeant Christopher Richardson	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 David Hughes	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 Eric Dickson	J - The Lothian's & Scottish Borders
Constable Darren Gallagher	J - The Lothian's & Scottish Borders
Constable Gareth Watt	J -The Lothian's & Scottish Borders

Inspector James McLaren	P - Fife
Sergeant Craig Menzies	P - Fife
Sergeant Graeme Mathers	P - Fife
Constable John Turley	P - Fife
Constable Kevin Taylor	P - Fife

Andrew Malcolm	Chair
Stephen Clark	Secretary

3 **APOLOGIES**

Apologies received from Heather Macdonald, Graham Ross, Anne Begley, Andy Toombs, Craig Fogg, David Hayes, Ian Stephen, Lyn Redwood, Martin Vickerman, Ben Pacholek, Michael Williamson and Willie Rennie.

4 **MINUTES OF PREVIOUS MEETING**

Those present approved the minutes of the previous meeting held on Wednesday 2nd June 2021 that had been circulated to the Committee via MS Teams.

5 **SEPARATE RANK COMMITTEE MEETING**

The Constables Rank Committee met and discussed rank specific issues.

6 ELECTION – SECRETARY (ELECT)

Graham Ross was the only nomination for the role of Secretary (elect) and as such was unopposed - the Committee suitably endorsed his election to said post.

7 MATTERS ARISING

(a) JOINT CENTRAL COMMITTEE UPDATE

The Secretary informed that the last meeting of the Joint Central Committee had taken place within the SPF Office in Dundee on Tuesday 17 and Wednesday 18 August 2021.

Points worthy of note included the following: -

LEGAL UPDATE

Allard (on-call recognition case) - Remains ongoing.

Holiday Pay - Remains ongoing.

WhatsApp - Remains ongoing.

Sheku Bayoh Public Enquiry – Remains Ongoing.

Legal Action – 1 x successful JR taken by the SPF attempted use of ex-party conversations in relation to process issues.

Legal Advice - Sought in relation to H&S legislation and the recent Naloxone training and specifically PSOS's refusal to provide training information and attendance to safety representatives. The legal advice received endorsed the SPF's position and has been forwarded to PSOS, a response is awaited.

Employment Tribunal regarding Pensions and the SPF – Ongoing.

SPF Approved Legal Agents - Current list reviewed and endorsed by the Joint Central Committee.

PNB (POLICE NEGOTIATION BOARD)

PNB had last met on 23 June 2021, with JCC Circular 20 of 2021 Police Pay 2021 (Information) being issued following the meeting regarding the 2021 Pay Claim.

The following points of note were highlighted:

Pay Claim 2021 – Negotiations continue with disappointment voiced in the Official Side's approach and, lack of action. The Staff Side first lodged the pay claim in June 2020. With the current offer unacceptable, there is a possibility that arbitration may be required.

Pay Claim 2022 - Staff Side are reviewing the position for 2022.

EWG (Equality Working Group) - Staff Side have lodged a claim for increased provision concerning maternity, to align Police Scotland with the rest of the UK.

Inspectors Working Hours – Ongoing.

Double Lock RD Compensation - This remains under discussion at PNB and there is a growing desire by PSOS for it to be resolved by COP26.

COP26 Remuneration - Negotiations continue with a daily payment being considered.

Queens Platinum Jubilee - Claim submitted for an additional Public Holiday.

The Secretary informed the next scheduled full PNB meeting is to take place on 7 October 2021.

PENSIONS

The 1987 Pension Scheme – Co-habiting Partners – JCC approved provision of legal assistance in respect of a “test case” regarding the provisions of the scheme in relation to unmarried partners.

Commutation Cap (x 2.25) - Staff Associations recognise the unfairness for members and the SPF obtained legal advice regarding the removal of the commutation cap. Advice indicates that there is a potential claim due to changes in views on Equality and other legislation. The decision was left to the discretion of Chief Constables to remove the cap however, due to the financial impact on police revenue budgets in respect of costs, Chief Constables have not and therefore it remains in place, in Scotland this rests with Scottish Ministers.

Pension Remedy - SPF have engaged professional advice and have provided a response to the consultation. This remains outstanding and the proposed remedy proposed an implementation date of 1st April 2022. The ability of pension providers to progress this by time of implementation is highly unlikely. Therefore, officers retiring in the next 12-24 months will retire on the current provisions with a future decision to be offered to take account of the remedy.

Unpausing of the Cost of Control Mechanism – Reviewed every 4 years and has been un-paused.

SCAPE discount rate - One of the Treasury assumptions is the SCAPE discount rate – SCAPE = Superannuation Contributions Adjusted for Past Experience. The SCAPE discount rate is a discount rate used in the valuation of unfunded public service pension schemes to set employer contribution rates. It expresses future pension promises that are being built up in present-day terms and is set by HM Treasury following a prescribed methodology - the reductional equivalent in respect of pension contributions had they been invested (adjusted for past experience). The current methodology for setting the SCAPE discount rate has been in place since 2011. SCAPE deals with the deficit or surplus within schemes. The SCAPE calculation is due just now. A SCAPE reduction, which is likely, means an increase in employers' costs. The SCAPE discount rate is also one of the critical factors when considering Commutation factors / tables. Commutation factors were last revised in October 2018 – this is done without advance notice. 'Normally' done every 4 years and past experience suggests that another review is due now / next

year. There is currently a safety net (the 'underpin') in place re commutation factors as a consequence of agreement by Scottish Ministers which is valid until 1st April 2022 - there is uncertainty post 1st April 2022. The SPF has sought specific technical advice re SCAPE and an expert has been engaged in respect of this. There were recent Cost Cap Mechanism + SCAPE UK Government consultations that closed on 19/08/21. There has been recent focus on SCAPE and the Cost Cap mechanism in terms of meetings and the issues have dominated recent meeting agendas.

Scheme Advisory Board (SAB) – Letter sent to the Home Secretary/UK Government by Staff Side indicating a withdrawal from the SAB process due to lack of engagement, information and progress. No response received however; engagement has improved.

Pension Practitioners Group – (SPF, ASPS and Chief Officers) - Met on 13 July 2021 to discuss issues within pension environment.

Police Pensions Board (PPB) – The Chair of the SPF made a formal complaint regarding the service received from the SPPA. The interim CEO of the SPPA has agreed to implement a Governance Improvement Plan.

Annual Benefit Statements – these will be available on line for members via a self-service portal implemented without consultation with the SPF. Officers are required to register for online access.

SPPA – are considering a new IT system, which is causing concerns due to the challenges that already exist regarding the pensions remedy and general pension's environment.

SPA

SPF recent 'test' involvement re the SPA Resources / People Committee was successful (first time the SPF have been invited) - SPF now invited to be a member.

JNCC (Joint Negotiating Consultative Committee)

SPF recently highlighted that the JNCC is currently not operating in the manner to which it was intended. It does not appear to be meeting the needs of the Staff Associations, which, may be due in some part to the meetings being held virtually. It is felt that PSoS do not recognise the importance of the JNCC and there is insufficient acknowledgement and involvement with the Staff Associations.

It is also felt that the JNCC has been diluted somewhat by the introduction of other groups and has become more of a 'briefing vehicle' rather than addressing issues and negotiating with the SPF. Discussions are ongoing to try to improve the JNCC from an SPF perspective.

JCC, STANDING AND SUB COMMITTEES

The General Secretary sought latitude in respect of exploring and reviewing current meeting structures and frequency to ensure that they are best suited for the future of the SPF – this was approved by the JCC.

SPF TRAINING

Equality, Health & Safety, FTOB's and New Reps Training has all re-commenced.

EUROCOP / ICPRA

The General Secretary recently attended the International Labor Organisation Conference (Virtual Conference). And for the first time in history, the status of police officers has been recognised, which is an important, defining moment in the history of policing.

EUROCOP will be taking place in Edinburgh in November 2021, after COP26. Agenda items will be H&S, the police response to climate protests etc.

POLICE RELATED CHARITIES

PTC & St Georges – Update provided re IHR mentoring / support - a course is being developed by PTC in conjunction with Police Care UK. The support provided by St Georges support for bereavement was highlighted and includes child counselling and grants to assist children.

Police Care UK – The Chair gave an update regarding his first Trustee's meeting. There appears to be a number of crossovers with other police charities. A review is ongoing regarding the charity and its operation to develop a UK wide approach.

Scottish Police Memorial Day – Due to COVID, the memorial service will be held virtually this year.

National Police Memorial Day – Numbers will be restricted to 250 attendees and is due to take place in Lincoln this year.

Restitution Fund – Update provided. The Fund features as part of the 2011 Vulnerable Witness legislation and is intended to support victims of crime, and specifically Sec.90 Police & Fire Reform (Scotland) Act 2012. It has the potential to divert money (via fines) from court sanctions into the Fund. The creation of the Fund has been delayed and has been ongoing for over 8yrs, and has only recently navigated the necessary legislative frameworks. Scottish Government are currently seeking an Operator for the Fund. The SPF has the administrative capability to fulfil that role and the JCC approved the exploration re the SPF potentially becoming the Operator.

The Next JCC Meeting is scheduled to take place on 15th and 16th November 2021.

(b) STANDING COMMITTEE UPDATES

All meetings (Finance, Operational Duties and Legislation & Regulation Committees) held on 28 July 2021, via video conference. The minutes of these were published on the SPF website and MS TEAMS. The Secretary and Chair updated the Committee on the pertinent elements.

Finance Committee - The Finance Standing Committee agreed to recommend a motion to re-write a SPF rule in relation to a member who dies in service, incorporating the definition of co-habiting partner as used in the Group Insurance Scheme. This was approved by the JCC.

Legislation & Regulation Committee - The concept of the following motion was considered by the JCC and approved regarding annual leave compensation for disruption that ultimately 'falls'. Agreement made that it should be progressed via the Legislation & Regulation Committee and potentially PNB:

"This NAC asks the JCC to pursue through the PNB a provision whereby a reinstated annual leave day is treated in the same way as a reinstated weekly rest day whereby, depending on the required amount of notice of a reinstatement, an officer can choose between taking the annual leave day with no compensation, or to work a minimum of 4 hours with compensation at the appropriate rate"

Operational Duties Committee - the Carleton University research has been published via the 1919 magazine with further reports to be published with respect to this in the coming weeks/months.

(c) **SUBJECT COMMITTEE UPDATES**

Conduct Update

The Chair updated those present in the absence of the Vice Chair who currently holds the portfolio for Conduct.

The last Subject Committee Meeting had met via Teams on 13 July 2021. The minutes of the meeting were circulated. In terms of the East, the following items are worthy of note:

	CONDUCT	CRIMINAL	TOTAL
ON	3	22	25
OFF	2	16	18
CLOSED			11

Many old cases have now run their course with positive outcomes received for members. 7 officers in the East remain suspended.

There appears to be a rise in the number of officers offered FP notices and warnings in respect of some of the minor offences. These are being considered by officers as, in some cases, there may be serious implications in terms of being seen to admit to offences ahead of conduct proceedings. It does appear that CAPD are moving forward with some of the older cases, is a positive sign.

Nationally there appears to be inconsistencies in relation to how some divisions are dealing with officer's subject to Police complaints. Officers subject to complaints should not be hindered in terms of seeking transfers/new posts however; there have been some cases of this happening. This is being reviewed

by Amanda Givan (ASGS – Conduct) the committee were asked to highlight any issues relating to this to the Vice Chair.

Conduct Reps not yet trained will receive training as soon as possible. Any committee member who wishes to be Conduct trained should inform the Vice Chair. Conduct Reps will take priority should there be limited places.

The Vice Chair wanted to minute his thanks for the assistance received from some local reps particularly to Davy Reid, Heather McIntyre, Graeme Mathers, Ricky Wood, David Davidson and James McLaren for their time and efforts.

Equality & Part-time Working

The Chair updated those present. The Equality Committee Meeting took place on 15 July 2021 the minutes of which had been disseminated. The following items are worthy of note:

CASE TYPE	NUMBER
Probationer Performance Meetings	6
Discrimination - Disability	4
Grievance	4
Ill-Health	22
Ill-Health Retirement	25
Total Number East Cases v Equality	50%

Probationers – support continues for probationers on action plans. The majority relate to failures in respect of fitness or exams.

Grievance - support continues for members with grievances. The particular challenges currently experienced by officers are in relation to disability. There has also been a view in respect of a recent case regarding promotion and impact of bias in selection/postings.

COP 26 - rosters and planning for COP 26 is being populated and as a result, there has been an increase in contact from officers who are part-time or, have caring responsibilities. Advice given to members surrounding this particularly that their 'part-time' hours **cannot** be increased however, they are subject to exigencies of duty, and cognizance requires to be taken of their individual needs.

Ill Health Retirement - Progress continues to be made on IHR with members beginning to progress through the SMP, Postings and SPA process.

Support given to officers who have been ill health retired however, they are contesting the SMP opinion surrounding their ability to work in the future. This has implications for officer's pensions in the new schemes where the ability to work more than 30 hours has an impact.

Those entering the IHR process continue to be negatively impacted by the case backlog created between February and September 2020 when PSOS had no SMP.

Ill Health – currently 22 officers are absent long-term and we continue to support these officers. In terms of critical illness and support around pay, it is **important to emphasize the need to comply with timescales specified in the policy**. PSoS do not cover officers who do not subscribe to the SPF Group Insurance Scheme separately in respect of either element and, the Service does not have private medical treatment nor do they cover surgical or, other procedures.

Health & Safety

The Chair informed that the last meeting had been held on 8 July 2021. A comprehensive update had been presented to the Committee via MS TEAMS highlighting significant issues for them to consider including:

COVID – As expected with the removal of most community restrictions and a reduction of distancing within Police Scotland to 1 metre, coupled with an increased return of persons to offices and children to schools etc., Scotland continues to see a rise in positive Covid cases. Absence rates are not yet reducing significantly either so there is a watching brief on this.

Those present were asked to remind members to follow the guidance in place and continue to wear the IIR masks when required as well as utilising their FFP3 when Covid is suspected, regardless of vaccination status.

Your Safety Matters Update - Data Analysis on Police Assaults - Assault figures nationally have risen. The most significant peaks occurring in May and August coinciding with the relaxation of restrictions following the first lockdown. An increase in the number of police assaults occurring in private dwellings, corresponding with restrictions and the lack of night-time economy.

Rise in the submission of Accident Reporting Forms. This was indicative of communications in respect of form completion and the positive impact from local reps getting the message out.

'Spitting' incidents have increased and the SPF have requested that guidance be circulated, providing assurance to officers over the supported use of Spit hoods.

Assaults in care establishments - 900 assaults have been committed by young people on police officers. A significant number of the assaults occurred whilst returning the offender to the care establishment or when intervening in situations whereby the young person was believed out-with control of the Social Work Department. Work is ongoing via Case Conferences to ensure Social Work are meeting corporate responsibilities.

Impact of CAM on Violent Incidents - it was found there was no statistically significant connection between CAM and the reduction of assaults on officers. THRIVE still requires a physical police attendance at incidents which are more likely to lead to violence.

OST Feedback – 2348 officers had completed the new 2-day course and generally, the feedback was supportive of the changes.

Taser - STO training scheduled to commence in September, applications are actively being sought. Once training is complete, in 3 years the projected deployable resource will increase from the current 2% to 12% of establishment. This is an improvement however; the PSoS will continue to remain behind many Forces in the UK.

Body Armour - Phase 2 of distribution is progressing, with 95% completed at the regional hubs, which includes officers who have been shielding or are on long term absence. The next phase will cover existing armour that is due to expire between 2021 and 2025. The measurement rollout for this will commence in September, in North and East areas. Negotiators will get personal issue, but currently they have to rely on pool sets of body armour for face-to-face deployments, and there is currently no availability of armour other than in Glasgow or Edinburgh.

The stock of ballistic body armour retained by stores is minimal and required for ongoing initial Firearms courses. Unfortunately, new armour cannot be ordered from the previous supplier nor the new supplier, therefore if old stock no longer fits an officer, they are not deployable. Trials for the replacement covert ballistic armour for CTSFOs and CPOs is imminent and the contract is likely to be awarded very soon.

Footwear - Over 3000 pairs have been distributed.

Police Tunics – A proposal paper submitted to ACC Williams via ASPS and ACCs. Feedback is now sitting with ACC Williams for consideration. The original intent of this perhaps has been missed in that it was simply to have a supply of tunics that could be borrowed by officers involved in formal proceeding such as police funerals.

Equipment Carriers – Samples of the carriers and klickfast attachments are in the process of being obtained.

Vehicle Equipment Group - The work of this group will be subsumed back into the work of the CEWG as business as usual.

The Road Safety/Locus Protection Training – This Training is now with LTD for development and delivery.

Road Signage – This is the only outstanding task that is not fully discharged. Ongoing.

Soft-cuffs - Velcro based product designed for use with custodies under level 4 observations. Designed to provide more pain free, comfortable security in comparison to using rigid handcuffs, and have a positive calming effect. To be issued to each Primary Custody Centre. Training will be rolled out to staff.

Fleet - 140 beat cars are in the process of being commissioned to replace vehicles with high mileages and instances of breakdown. Work continues on finding a solution for the installation of Carbon Monoxide detectors in all vehicles.

BMW - Following previous concerns raised by the SPF a high number of Road Policing BMW vehicles have been removed from front line duties and work is ongoing to address this by fleet with the new vehicles.

Vehicle Equipment - with the exception of a BS compliant sign has all been delivered. **It is important to carry out checks and replace any missing equipment.**

Training - H&S reps attended the recent IOSH Managing Safely Training with a further 2 attending this month. There will be further training courses next year.

(d) DIVISIONAL UPDATES

'C' Division - On Wednesday 18 August 2021, David Reid, Gavin Grant and Mark Murphy met with Chief Superintendent Gibson, Superintendent Sinclair and Superintendent Lundie.

Main topics discussed had been the following: -

- Resourcing – serious and significant concerns re current situation – at crisis point;
- 2x2x2 shift pattern – continues to be discussed / considered;
- Naloxone pilot – proof of concept continuing;
- Sudden Death Reports – improve processes;
- Printers for mobile devices in police vehicles – to go to the Force suggestion scheme;
- Forth Valley Royal Hospital and deteriorating relations between police and NHS staff, predominantly in A&E;
- Work environments at Falkirk and Grangemouth police offices re recent hot weather;
- VPD's – disproportionate tasking; and
- COP26 – poor communication re shifts, duties etc.

'E' Division – On 24 August 2021 Christopher Richardson, Stephen Neilson and Craig Fogg met with Chief Superintendent Sean Scott and Superintendent Mark Rennie.

Pertinent items discussed were: -

- Custody - timescales and different working practices across the country;
- Vehicles - the number of Response and CPT vehicles constantly off the road and not available for use;
- Driver training – lack of trained response drivers;
- Resources – lack of response officers; not meeting OBL's on a regular basis; Night Guard; hospital escorts and the length of time officers have to remain with patients due to be potential flight risks;
- Shift patterns – the '222' pattern continues to be discussed;
- Equipment – request for better torches and improvements to the vests / hi-vis covers re warm weather
- Training – cancellations re COVID;
- DNA – concern re processing / storage;
- Nexus and the requirement to submit forms; and
- COP26 – compensation for officers.

'P' Division – On 30 August 2021 John Turley met with Chief Superintendent McEwan.

Pertinent items discussed were:-

- Kirkcaldy Court Officer / Police Witnesses Pilot – concerns raised from officers - not working well;
- Court Citations - large number of officer's being cited for court during annual leave and issues with the excusal process;
- Resourcing - lack of officers on front line response;
- The 'hubs' – provision of mobile devices to officers to save time particularly re noting of statements;
- the current position of Kirkcaldy and Burntisland police stations; and
- COP26 - poor communication re shifts, duties etc.

'J' Division – No official meeting had held between local Reps and the Command Team since the last EAC meeting, however David Hughes reported that he had met 1to1 with Chief Superintendent McKenzie and had discussed the following matters: -

- Dalkeith Custody Centre – to re-open in a reduced capacity for low risk custodies with a PCSO on site; will be subject to remotely supervision;
- Vehicles – 40% reported to be unavailable at any one time;
- Resourcing – struggling to meet OBL's on a regular basis;
- Scottish Ambulance Service – issues re waiting times / non-attendance.

(e) MAJOR EVENTS

Operation Apertio - State Opening of Scottish Parliament – 30.09.21 -02.10.2021.

Operation Urram - COP26 – mid October to mid November 2021.

8 NEW BUSINESS

The Secretary reminded all present of the forthcoming elections to be held at the next Quarterly meeting on 1 December 2021 in relation to the undernoted posts:

- Chair
- Vice Chair (Elect)
- Deputy Secretary (Elect)

9 ANY OTHER COMPETENT BUSINESS

SPF Annual Awards – An update was provided by the Secretary; the response from members and Reps has been positive; the East have several nominees; and the awards night is scheduled to take place on 25th November 2021 at Dynamic Earth, Edinburgh.

10 **CLOSURE OF MEETING**

The Chair informed those present that the next scheduled quarterly meeting of the East Area Committee would take place on Wednesday 1 December 2021.

The Chair further informed those present of the forthcoming Subject Committee meetings as undernoted: -

- **Conduct** – 28th September 2021;
- **Equality** – 29th September 2021; and
- **Health & Safety** – 7th October 2021.

The Chair thanked everyone for attending and for their valued input into proceedings wishing everyone a safe onward journey home thereafter, formally closing the meeting.

Stephen Clark
Secretary

Andrew Malcolm
Chair