



Scottish Police Federation

PO Box 27163, Glasgow, G3 9EZ

Joint Central Committee Minutes

Minutes of the Joint Central Committee meeting held at the SPF Training and Meeting Facility, Unit 29, City Quay, Camperdown Street, Dundee, DD1 3JA on Tuesday 17th and Wednesday 18th August 2021.

1. Attendance and Opening

SPF Office Bearers:

David Hamilton	Chair
Calum Steele	General Secretary
David Kennedy	Deputy General Secretary
Brian Jones	Vice Chair

North Committee:

Nick Clasper
Neil MacDonald
Caroline MacNaughton
Ross Polworth
David Threadgold

East Committee:

Stephen Clark
Heather Macdonald
Andy Malcolm
Stevie Neilson
Graham Ross
Ricky Wood

West Committee:

Hugh Burns
Lorna Cunningham
Ian Florence
Iain Gray
Jennie McFarlane

Assistants to the General Secretary (AGS)

Amanda Givan AGS(C) Day 1 only
James Thomson AGS (People & Equality)
Gordon Forsyth AGS(H)

Also in attendance

Doug Keil	Business Manager
David Ross	Policy & Coordination Officer
Lesley Stevenson	Business Administrator

The Chair opened the meeting by welcoming everyone back to the first physical meeting since February 2020. He invited all to take an active part in the meeting.

Apologies were received from Scott MacDonald, Jenny Shanks and Cath McNally. Cath was replaced by Hugh Burns. There were no replacements for Jenny and Scott.

2 Minute of Previous Meeting

The Minute of the previous meeting was circulated with JCC Circular 23 of 2021. It was noted that an amendment had been made to the Minute since it had been circulated. The Minute was thereafter accepted as a true record.

Neil Macdonald asked if a summarised note of the Minute could be circulated in advance of Area Committee meetings. This was agreed.

It was noted that the SLWG Responsibilities & Relationships meeting was held on 10th August 2021. The Minute of that meeting would be circulated when complete.

3 Legal Advice and Assistance

The Deputy General Secretary gave the following report to the Committee:

SINCE THE LAST JCC MEETING			
Legal Cases On Duty			
Type of case	North	East	West
CICA			
Civil Legal Defence			
Contract Dispute	1		
Criminal Legal Defence		1	7
Employment Dispute (EX OFFICER)			
Employment Dispute (serving officer)	3	2	5
FAI			
Judicial Review			
Misconduct		1	
Other			
Personal Injury	2		6
Property Protection			
RTA	1		2
TOTAL	7	4	20
Legal Cases Off Duty			
Type of case	North	East	West
CICA			
Civil Legal Defence			2
Contract Dispute	1	1	4
Criminal Legal Defence	3	5	13

Employment Dispute (EX OFFICER)			1
Employment Dispute (serving officer)			
FAI			
Judicial Review			
Misconduct			
Other		1	
Personal Injury	1	1	2
Property Protection			2
RTA			2
TOTAL	5	8	26
LEGAL FEES RECLAIMED - £8,200			
CLAIMS SETTLED - £99,585			

Allard & Others v Devon and Cornwall

It was reported that the Allard claim remained ongoing and had been sisted until 5th November 2021. It was further reported that unless a settlement was reached, the matter would progress to litigation.

Holiday Pay Claim

It was reported that the matter was still ongoing and the outcome of the PFNI challenge was still awaited which would influence the progression of the claim.

WhatsApp

It was reported that this matter was ongoing, and permission to appeal the decision to the UK Supreme court was awaited.

Sheku Bayoh Public Inquiry

The Deputy General Secretary reported that evidence was being collated and no date had been confirmed for the physical stage to commence.

Judicial Reviews

It was noted that there was one appeal and that the SPF had won a recent Judicial Review.

Leigh Day

The Deputy General Secretary reported that the matter was ongoing and would be progressing to an Employment Tribunal in June 2022.

Panel of Solicitors

The Deputy General Secretary reported that a new panel of solicitors had been engaged by SPF with some new additions included. This was noted by the Committee.

Legal Advice/Assistance

The Deputy General Secretary reported that legal advice had been sought relative to the new working practices introduced in relation to the use of nasal naloxone, which had not been supported by SPF. Advice received said that consultation with officers was required on matters concerning health and safety. A letter had been sent to the Chief Constable and a reply was awaited. The matter remained ongoing.

4 Police Negotiating Board (PNB)

The General Secretary reported that the last meeting of the PNB was held on 26th June 2021. JCC Circular 20/2021 had been issued thereafter. Amongst the matters discussed had been inspector's working hours and double lock rest day compensation.

A claim had been laid with the Official Side in relation to an increase in occupational maternity pay. A further claim had been laid for additional public holidays for the Queen's platinum jubilee.

A pilot, monitoring working hours, had been put in place for a sample of Inspector's however responses from officers had been poor. Members were asked to encourage officers to respond as the information sought would be critical to support claims for future compensation.

Members discussed COP26; in particular remuneration for officers. A provision titled "double lock" (effectively a mechanism to pay officers rest day overtime where more than the requisite notice had been provided) was agreed for all officers below chief officer rank. This arrangement was not limited to COP26. In addition, a specific long working day payment for inspectors and superintendents, but time limited for COP26 had also been agreed.

An update was provided relative to the Staff Side pay claim 2021. The Official Side offer of 1% was rejected. The General Secretary told the Committee that communication with the OS was ongoing but that he could not circulate details as nothing firm had been agreed.

Members noted the General Secretary's report and expressed concern about the Official Side's apparent lack of concern that the PNB was being undermined as a result of exceptional ministerial interference.

5 Pensions

The General Secretary asked the JCC to agree to support a legal challenge of an unmarried "widow" in the 1987 pension scheme seeking widow benefits. The Committee agreed.

He also reported that legal opinion suggested that the 2.25 commutation cap (where an officer aged 50 or over and with at least 25 years, but less than 30 years' service) retires was potentially discriminatory. This matter was to receive further consideration.

The General Secretary also explained the cost control mechanism for the CARE pension scheme. Essentially this mechanism was central to the contributions and benefits of the scheme. This mechanism is periodically re-examined and the outcomes of the current examination would apply from 2024. The current examination would consider the costs of the pension remedy as part of the process. He said this was a highly technical matter and the changes that would be proposed to the CARE scheme would likely impact on both costs and / or benefits for members and the employer.

He also reported on the SCAPE discount rate which impacts the employer contribution rate and the commutation multipliers, which were last changed in October 2018. Whilst the examination of the multipliers was entirely a matter for the Government Actuary Department, it was probable a review of the factors would occur in the near future.

He said that the commutation underpin, an agreement where the best of the Scottish or E&W multipliers would apply, comes to an end on 31 March 2022.

Separately members expressed concerns about a proposal to provide annual benefit statements through a self-service portal on the SPPA website.

6 Scottish Police Consultative Forum (SPCF)

The Deputy General Secretary reported that the SLWG relative to legal advice/assistance had met on 8th April 2021. There had been a further meeting on 30th April 2021 at which the SPF made clear this was not a process that was "owned" by either the SPA or PSoS, and that it was not for them to accept or reject any proposed language on any new framework. This matter will require further meetings.

The General Secretary reported that the SPCF last met on 7th June 2021. Legal advice and assistance had again been discussed and it was noted that matter was ongoing.

He gave an update on the meeting held on 24th June 2021 relative to the Dame Elish Angiolini recommendations. He advised that more comprehensive details of that meeting were contained within the draft minute of the Conduct Committee.

The SLWG in relation to Career Development had not met since the last meeting and no date for the next meeting had been arranged.

7 Scottish Police Authority (SPA)

It was reported that the Authority had new board members. The Chair had met with the new Chair of the SPA and it was noted that the SPF had been asked to be part of the People Committee, a sub group of the SPA.

8 Scottish Police Budget & Finance

The General Secretary advised that there were no developments of significance to report.

9 Scottish Parliament & Political Engagement

The General Secretary advised that due to recent elections, there was nothing of significance to report. A list of MSPs was being compiled and would be circulated to Area Secretaries for further dissemination. The Committee discussed lobbying and it was noted that guidance relative to this would be considered.

10 Joint Negotiating Consultative Committee (JNCC)

The JNCC last met on the 10th June and the SPF raised the apparent rolling back on a commitment to adopt Post Incident Procedures for serious incidents. The Service advised there had been no change in policy and would examine any shortcomings.

In addition, the sheer number, frequency, and participants in PSoS TEAMS meetings was raised. The JNCC agreed this was an issue and efforts would be made to reduce the demand.

The SPF also highlighted the significant shortcomings in the ill health retirement processes, not least as the numbers with severe ill health, and awaiting retirement continued to grow. The JNCC discussed this at length and the service highlighted a dearth of Selected Medical Practitioners across the UK as a factor. Whilst sympathetic to this the potential for legal challenge was also highlighted.

The General Secretary reported that the JNCC was due to meet on the 9th September and considered the SPF should be raising issues in respect of:

- Workload and Burnout
- Vaccination and Testing
- The Role of the JNCC, and
- Driver training

The Committee agreed that the pandemic had negatively impacted on the JNCC and its business and members felt that it should have a greater influence on decision making.

11 Finance Standing Committee (FSC)

It was reported that the last meeting of the FSC was held on 27th July 2021 and the Minutes had been circulated with JCC Circular 25 of 2021.

The General Secretary reported that the Voluntary Fund account remained in a healthy position.

At that meeting, the FSC agreed to recommend the following to the JCC:

To re-write the following rule incorporating the definition of co-habiting partner as used in the Group Insurance Scheme as follows:

Rule 15 (2) I

l) On payment of a sum of £3,500 to the following persons:-

- a) *The surviving spouse or civil partner, or a person who is openly cohabiting with him or her and who has been so cohabiting for the 6 months' period prior to the death and on whom such a member is financially interdependent, whom failing, one of the dependants of a member who dies in Service; provided that where there is no surviving spouse or civil partner and more than one dependant of the deceased member, the Joint Central Committee will decide at its discretion to which dependant payment shall be made.*

The motion was proposed and seconded and thereafter approved by the Committee.

12 Legislation and Regulation Standing Committee

It was reported that the last meeting was held on 27th July 2021 and the Minute had been circulated with JCC Circular 25 of 2021.

The JCC agreed that the motion seeking compensation for disturbed rest days during annual leave should continue to be progressed by the Standing Committee notwithstanding the erroneous reference to public holidays in the original text.

13 Operational Duties Standing Committee

It was reported that the last meeting of the Operational Duties Standing Committee was held on 27th July 2021 and the Minute had been circulated with JCC Circular 25 of 2021.

The Committee discussed the Carleton University Research which had shown high levels of burn out, physical and mental ill health. It expressed disappointment at the response from the PSoS. The Committee also discussed the Strategic Workforce Plan and proposals for deep dive exercises in 2022.

14 Conduct Committee

It was reported that the last meeting of the Conduct Committee was held on 13th July 2021 and the Minute had been circulated with JCC Circular 24 of 2021. The Deputy General Secretary explained to members that he was preparing new conduct case forms to cover data protection issues and to identify the local representative who was dealing with the matter.

15 Equality Committee

The last meeting of the Equality Committee was held on 14th July 2021 and the Minute had been circulated with JCC Circular 24 of 2021.

Amongst the matters discussed were PNB (S) Equality Working Group, PSoS Equality, Diversity & Inclusion Employment Group, Tribunal etc. Rulings & Legal Assistance, Conference 2021 and Training.

The AGS Equality said that Jayne Monkhouse had been of great assistance in developing the training package. He also spoke about reasonable adjustments and the relevant time bars and limits on various aspects of relevant legislation. He also reported on his regular

contacts with diversity staff associations.

The Committee agreed that the workload of the AGS Equality would be better reflected if the job title changed to AGS Equality and People.

16 Health and Safety Committee (H&S)

The last meeting of H&S Committee was held on 8th July 2021. The Minute had been circulated with JCC Circular 24 of 2021.

The AGS Health & Safety requested that members of this Committee be provided with iPads. The Chair said that the provision of iPads was still being trialled by members of the Conduct Committee and that it was important that an evaluation was completed before purchasing further units. The Committee discussed this and agreed that the trials should be completed before further considering who should be supplied with iPads.

17 JCC, Standing and Subcommittees

The General Secretary reported to the Committee that a meeting had been held between the JCC officers and the full-time officials on 22nd June 2021. He said that further meetings would take place but that a number of considerations in respect of the frequency of the JCC and subcommittees would be discussed. He would report back at the next meeting.

18 SPF Training

The Vice Chair reported that a number of training courses had been scheduled and a FTOB course was to be held the following week. A H&S course was to be scheduled for the end of the year.

19 JCC Circulars

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

- 13/2021 Letter from BJ to All SPF Members Driving Police Vehicles – Information
- 14/2021 SPF Expenditure Policy
- 15/2021 Death of Colin Marr
- 16/2021 SPF Staff Policies May 2021
- 17/2021 SPF FTOB & Staff Guidance June 2021 – Information
- 18/2021 Body Worn Video – Consultation
- 19/2021 Bonus Payment – Information
- 20/2021 Police Pay 2021
- 21/2021 Consultation on the new legislation on the sale and use of fireworks in Scotland and tackling the misuse of pyrotechnics – Consultation
- 22/2021 Court on Annual Leave or Rest Day – Information
- 23/2021 JCC Minutes May 2021 – Information
- 24/2021 Conduct, Equality & H&S Minutes
- 25/2021 FSC, L&R and Operational Duties Standing Committee Minutes July 2021
- 26/2021 Scottish Parliament Criminal Justice Committee – Consultation
- 27/2021 SPF Awards Finalists 2021

The General Secretary told the Committee that in relation to JCC Circular 19/2021, he had written to the Chief Constable relative to the issues at George Square asking for bonus

payments to be made. The request was refused. Bonus payments for G7 had also been refused.

20 Police Service of Scotland Reform

The Committee noted the agenda paper previously circulated. The Chair gave a brief update. This was noted.

21 SOP Consultation

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

- 05.08.21 Unacceptable Action of Complainers v0.04 NG & EqHRIA
- 27.07.21 Information Sharing SOP v3.07
- 16.07.21 Forced Entry & Insecure Premises SOP v7.03
- 16.07.21 Major Incident Plan v1.09 & Associated Cell Plans
- 15.07.21 Gypsy/Travellers: Management of Unauthorised Encampments NG v0.04
- 08.07.21 Drink Drug Driving (inc railway, marine & aviation) SOP v 12.04
- 08.07.21 Proposed UK National database of police workforce deaths & serious injuries
- 01.07.21 Proposed closure of Portlethen Police Station
- 25.06.21 Custody remodelling Project Proposed Pilot H&S Input
- 25.06.21 Sale and use of fireworks in Scotland and tackling the misuse of pyrotechnics
- 25.06.21 Adult Support and Protection SOP V4.05
- 23.06.21 Warrants National Guidance v0.09 & EqHRIA
- 23.06.21 Multi celling RA v1.4 (received by SC)
- 21.06.21 Advice and Guidance Recording Forms
- 16.06.21 C3 NG Amendment
- 09.06.21 Visitors to Police Premises v3.07
- 09.06.21 Body Worn Video (PSoS consultation)
- 08.06.21 Criminal Justice (Scot) Act 2016 Arrest Process NG Draft V0.10
- 04.06.21 National and International Deployment Welfare SOP version 3.02
- 04.06.21 Allowances & Expenses (Officers) v11.01
- 03.06.21 International Assistance Requests v2.03
- 02.06.21 National Approaches to Policing Protests in Scotland national guidance document Draft V0.07
- 31.05.21 Exit Interview Survey June 21
- 26.05.21 Care and Welfare of Persons in Police custody SOP V15.08
- 19.05.21 Investigation Wellbeing NG v0.12
- 14.05.21 Governance of the Police Scotland Record Set National Guidance version 1.02 (to be published as version 2)
- 14.05.21 Accessing Scene Examination Services v3.07
- 11.05.21 Citations (Police Officers & Staff) National Guidance
- 07.05.21 Recorded Police Warning & Anti-Social Behaviour FPN National Guidance v0.07
- 06.05.21 Disclosure Part V & PVG v1.08
- 05.05.21 Use of Force National Guidance v0.05
- 04.05.21 Armed Forces Personnel National Guidance v0.08

The Vice Chair reported that the PSoS operated very tight response times which the SPF could not always meet. He said that this was to be discussed with PSoS and the SPF was to revise how it dealt with consultation responses generally.

22 EuroCOP/ICPRA

The General Secretary reported that he had been a virtual participant at the ILO conference which was the first in which police unions had been specifically able to participate in their own right.

The General Secretary reported that the EuroCOP meeting would be held in Edinburgh in November 2021. It was hoped that members of the JCC would attend with subjects

including H&S, climate change and police response to climate protests.

23 Police Related Charities

PTC & St George's Trust

It was reported that the Vice Chair, Andy Malcom and Ricky Wood and Stevie Clark had attended the last meeting. It was noted that the Treatment Centre was operating successfully and the new wing had opened. He gave an update on IHR mentoring and support being developed by the PTC as part of the Police Care programme.

The Vice Chair said that St George's Trust had expanded to include IHR, bereavement, child counselling and child grants.

Police Care UK

The Chair gave an update and said it was his first physical meeting of Police Care UK. He said that there was a crowded police charity landscape and that this was to be looked at the next meeting.

Scottish Police Memorial Trust (SPMT)

It was reported that a virtual celebration would be held due to COVID.

National Police Memorial Day (NPMD)

It was noted that the event would be limited to 250 attendees. Members were advised that the event would be held in Belfast in 2022 where it was hoped that a larger number of attendees would be present.

Scottish Government Restitution Fund

The General Secretary reported that the restitution fund was legislation put in place following discussions between the Scottish Government and the SPF. The previously intended operator of the scheme had withdrawn for a variety of operational reasons. The Committee agreed that the JCC would look further at whether it could perform this role.

24 Correspondence

The General Secretary had received a letter of resignation from Jenny Shanks, Vice Chair of the WAC who was to retire from the service, and subsequently the JCC, in October 2021. Thanks were given to Jenny for the work she had carried out for the SPF and all best wishes were sent to her and her family for the future.

25 Competent Business

The Chair reported on the ongoing PPE Survey which was a follow on from the previous survey conducted in 2017. 1700 responses had been received and details would feature in the next edition of the 1919 magazine due to be published in September 2021.

26 Closure

The Chair thanked everyone for their attendance and inputs at the meeting and advised that the date of the next meeting was scheduled for 2 November 2020 but may need to be held sooner. Dates would be circulated when available.

A vote of thanks was given to the Chair.

David Hamilton
Chair

Calum Steele
General Secretary