



Scottish Police Federation

PO Box 27163, Glasgow, G3 9EZ

## **Joint Central Committee Minutes**

Minutes of the meeting of the Joint Central Committee held on Tuesday 9<sup>th</sup> February 2021 by Teams.

### **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  
Ross Polworth  
James Thomson  
David Threadgold

#### East Committee:

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

#### West Committee:

Paul Connelly  
Jennie McFarlane  
Cath McNally  
Gary Mitchell  
Adam Peppard  
Emma-Louise Smith

#### Assistants to the General Secretary (AGS)

James Thomson AGSE (Elect)  
Gordon Forsyth AGSH

#### Also in attendance

Lorna Cunningham	West Area Committee, Deputy Secretary (Conduct), Observer
Doug Keil	Business Manager
David Ross	Policy & Coordination Officer
Lesley Stevenson	Business Administrator

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

The Chair opened the meeting by welcoming everyone and invited all to take an active part in the meeting.

Apologies were received from Jenny Shanks, Amanda Givan and Scott Macdonald. Jenny was replaced by Emma-Louise Smith.

Lorna Cunningham, WAC Deputy Secretary (Conduct) attended the meeting as an Observer.

It was noted that a Constables' Central Committee meeting would be held at the end of the day.

## **2 Minute of Previous Meeting**

The Minute of the previous meeting was circulated with JCC Circular 2 of 2021. The Minute was thereafter accepted as a true record.

## **3 Legal Advice and Assistance**

The Deputy General Secretary informed the Committee that since the last meeting 67 new applications were approved for consideration of legal advice and assistance.

These comprised 33 in the West; 13 on duty and 20 off duty, 17 in the East; 14 on duty and 3 off duty and 17 in the North; 7 on duty and 10 off duty.

These included 2 civil legal defence cases, 3 contract dispute cases, 17 criminal legal defence cases; 2 misconduct cases; 7 employment dispute (police officers) cases; 2 employment disputes (ex police officers); cases 1 FAI case; 8 RTAs; 17 personal injury cases; 3 property protection cases and 5 miscellaneous case. 2 applications had been rejected since the last meeting.

The Committee noted that there were currently 507 live files and 46 files had been closed since the last meeting.

The General Secretary informed the Committee that since October 2020, claims settled were in excess of £200,000.

### **Allard & Others v Devon and Cornwall**

The Deputy General Secretary said that discussions were ongoing with the force and it was hoped that settlements would be agreed with the PSoS in the near future.

### **Holiday Pay Claim**

The Deputy General Secretary said that negotiations with the force were ongoing and it was hoped that a settlement would be agreed in the near future.

### **WhatsApp**

The Deputy General Secretary said 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 said that this matter was ongoing, and timescales had been extended to March. Information was being collated.

## **Pension Challenge**

It was reported that the matter was ongoing, and evidence was being collated for the Federation solicitors in relation to employment tribunal proceedings.

## **4 Police Negotiating Board (PNB)**

The General Secretary reported that the last PNB meeting was held on 26<sup>th</sup> November 2020. That meeting had discussed the Police Officer Handbook, the Pay Claim, the PNB TWG and the EWG.

### **Police Officer Handbook**

It was noted that the Handbook was now complete, and thanks were given to all involved. It was agreed that this item could be removed from future agendas.

### **Pay Claim**

The General Secretary gave a brief summary of the Public Sector Pay Policy for 2021/2022 announced by the Cabinet Secretary for Finance on 28<sup>th</sup> January 2021. The headlines were:

- *providing a headline basic pay increase of 1 per cent for public sector workers who earn less than £80,000;*
- *continuing the requirement for employers to pay staff the real Living Wage, now set at £9.50 per hour;*
- *providing a guaranteed cash underpin of £750 for public sector workers who earn £25,000 or less;*
- *limiting to £800 the maximum basic pay increase for those earning £80,000 or more; and*
- *allowing flexibilities for employers to use up to 0.5 per cent of pay bill savings on baseline salaries in 2021 to address clearly evidenced equality or pay coherence issues in existing pay and grading structures.*

The Committee discussed the claim and the financial environment and the elements of the claim which were not directly related to finance. The PNB negotiators noted all comments made.

### **COP26 – Special Arrangements**

The General Secretary reported that the PNB discussed inspectors working time and the additional hours regularly being worked. It had been agreed that further work, evidence gathering and data examination would be completed for future meetings.

### **Equality Working Group (EWG)**

The Deputy General Secretary reported that there had been no meetings of this Group since the last meeting. Correspondence had been exchanged relative to increasing maternity pay from 18 to 26 weeks with options for a proportion of those payments between 21 and 31 weeks. A formal claim would need to be raised through the PNB and

the Deputy General Secretary, in his capacity as Chair of the EWG would write to the General Secretary in his capacity as the PNB Staff Side Secretary regarding this.

He also reported that the Flexible Working Agreement was almost complete.

The Committee noted that the next meeting of the PNB was scheduled for 23<sup>rd</sup> February 2021.

## **5 Pensions**

The General Secretary reported on the UK Police Pensions Consultative forum which took place on 11<sup>th</sup> January 2021, and amongst the matters discussed were opt-out rates; break in service/taxation issues/Covid 19; pension sharing orders; civil partnership guidance, the cost cap exercise and the pensions remedy.

The Committee discussed the ill health pensions and the lower tier entitlements, auto-enrolment and a presentation by the Government Actuaries Department on the costs of the scheme. Concerns were expressed about the ability of the SPPA to administer the scheme as it was and to cope with the complex changes that would be required to implement Government decisions on the pensions remedy.

The Chair reported on a meeting of the SPPB held on 11<sup>th</sup> November 2020 where annual benefit statements and annual allowance were discussed. There were serious concerns about a lack of corporate memory on the SPPB, a data breach and the governance arrangements. The Committee welcomed the fact that the Pensions Ombudsman was to consider disputes on ill health retirement cases for the police and considered that this would lead to improvements on PSoS management of cases. Finally, it was noted that the pension admin capacity of the case was being reviewed.

## **6 Scottish Police Consultative Forum**

The Chair reported that the last meeting of this Forum was held on 26<sup>th</sup> November 2020.

The Chair said it had been useful to discuss appraisal, promotion and accelerated promotion and the legislative changes that would be necessary to allow old and new systems to run consecutively.

He also reported that there had been discussions on an in-service injury compensation scheme and uniform and equipment for special constables.

The Deputy General Secretary gave an update on legal advice and assistance from the Scottish Police Authority. The Authority had been looking at this issue for some time and were considering a 'best value' approach and an insurance policy. There had been little progress.

The Committee noted that the next meeting of the Forum was scheduled for 23<sup>rd</sup> February with further meetings scheduled for 16<sup>th</sup> June and 27<sup>th</sup> October 2021.

## **7 Scottish Police Authority**

The Chair gave updates on Strategic Workforce Planning and Cyber Strategy.

He said that there had been no consultation relative to Cyber Strategy which led to terse exchanges which impacted significantly on officers due to not addressing their problems.

Martyn Evans had been appointed as the new Chair of the SPA. The Committee noted the endeavours of interim Chair, David Crichton to improve the capabilities and functionality of the SPA.

The Committee discussed the Future Engagement Model and what role, if any, the SPF should fulfil.

## **8 Scottish Police Budget & Finance**

The General Secretary gave an explanation of the budget and what it might or might not be able to fund in the year ahead. The general view was that little or no development would be facilitated by the finance available.

## **9 Scottish Parliament & Political Engagement**

The General Secretary reported that evidence had been submitted to the Justice Sub-Committee on the review of police complaints, body worn video and drones.

## **10 Joint Negotiating Consultative Committee (JNCC)**

The General Secretary reported on a range of issues. He said that officers would no longer have to claim plain clothes allowance as it would be paid automatically. He explained the improvements to special leave and said he would deal with the PSoS Change Programme later in the Agenda. He also reported on the People and Operations Delivery Group and the Vice Chair expressed the view that the Group was not working as it should with little progress being made on any issue.

The Deputy General Secretary reported on the Working Practices Review Group which had held two meetings since the last JCC. He said that a SLWG had been established to consider Operational Base Levels and that some interesting information had been revealed about rest days and "negative toil". Members expressed concern about the way "negative toil" was being managed where officers in deficit were being refused overtime claims until negative toil was cleared. The Committee recognised that there was no regulatory provision for negative toil and that it was illegal to fail to pay overtime claims on this or any other basis. "Negative toil" was something that should be managed locally and the General Secretary was asked to consider this matter further and whether federation solicitors should become involved.

Jennie MacFarlane raised the issue of part time officers and pay, specifically, issues that should have been in place from 2015, officers affected by the removal of pay point 0 and the question of back payments. The Chair reported that he was to have a meeting the next day on pay point 0, holiday provision and pay for part time officers. He said that

information was being recorded in different ways in different areas and this required to be rationalised for the purposes of pension.

## **11 Finance Standing Committee (FSC)**

It was reported that the last meeting of the FSC was held on 19<sup>th</sup> January 2021 and the Minutes had been circulated with JCC Circular 5 of 2021.

The General Secretary reported that the Voluntary Fund account and Investment Portfolio remained in healthy positions.

The General Secretary reported that the creation of an online SPF magazine was being explored and advertising for a member of staff as an article generator had begun. The Committee noted that the cost of the professional services fell within the discretionary limits available to the trustees and it was hoped that the magazine would be available by the Spring. Cath McNally said it would be important to pitch the magazine at the correct readership and Jennie MacFarlane said that items on this agenda, for example, plain clothes allowance, could be better communicated to the membership through a magazine as opposed to meeting minutes. Members agreed that this would be advantageous insofar as distributing information to members.

Paul Connelly asked if there was any progress on the purchase and provision of tablets for representatives. The Chair reminded the Committee that a trial was being carried out on the use of tablets and that he did not intend to repeat what had been said at previous meetings on this issue.

Stevie Clark asked what the current situation was relative to the tea and coffee vending machines. The General Secretary said the machines were being rebranded and the contracts were being examined.

## **12 Legislation and Regulation Standing Committee**

It was reported that the last meeting was held on 19<sup>th</sup> January 2021 and the Minute had been circulated with JCC Circular 5 of 2021.

The Committee discussed the forthcoming parliamentary elections and agreed that the SPF manifesto would need to be revised. The General Secretary said there was an opportunity to influence and asked members for their thoughts and ideas. Suggestions included, recovery of court costs for failed prosecutions, mental health, drugs policy, PSoS estate and fleet, costs of events, cost recovery and billing of partner agencies, review of the Crown Office and the COPFS.

## **13 Operational Duties Standing Committee**

It was reported that the last meeting of the Operational Duties Standing Committee was held on 19<sup>th</sup> January 2021 and the Minute had been circulated with JCC Circular 5 of 2021.

Members noted that the last two Deep Dive exercises had been postponed and it was hoped that an exercise could be held in April. The General Secretary and sub-group would meet to progress this.

Members discussed the workload capacity, availability of resources and support offered to the PPU; SIOs workload; fleet management, driver training and state of fleet; the Wellbeing and Psychological Questionnaire; PSoS Survey and lateral flow testing.

Members discussed vaccinations for police officers and their desire to have this done as soon as possible. It was agreed that the SPF would require to highlight the lack of testing in order to progress this with the Scottish Government.

#### **14 Conduct Committee**

The last meeting of the Conduct Committee was held on 12<sup>th</sup> January 2021 and the Minute had been circulated with JCC Circular 5 of 2021.

#### **15 Equality Committee**

The last meeting of the Equality Committee was held on 13<sup>th</sup> January 2021 and the Minute had been circulated with JCC Circular 5 of 2021. There was nothing further to report.

#### **16 Health and Safety Committee (H&S)**

The last meeting of H&S Committee was held on 28<sup>th</sup> January 2021. The Minute had been circulated with JCC Circular 5 of 2021.

A paper had been circulated prior to the meeting by the AGSH and was noted.

#### **17 SPF Training**

It was noted that no training had been held recently due to the pandemic however the Vice Chair would seek to have training delivered to members as soon as it was safe to do so.

#### **18 JCC Circular**

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

- 68/2020 Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing Final Report November 2020
- 69/2020 Scottish Parliament Justice Subcommittee on Policing call for written evidence – Dame Elish Angiolini Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing
- 70/2021 SG consultation on the Farm Animal Welfare Committee’s Opinion on The Welfare of Animals During Transport
- 01/2021 Coronavirus Vaccine Programme
- 02/2021 JCC Minutes November 2020
- 03/2021 SPF Annual Awards 2021

#### **19 Police Service of Scotland Reform**

The Chair reported that he and the General Secretary had a meeting with Linda Duxbury the previous day and had been updated on the Police Survey.

Work was ongoing to present the data in sections and link it with other work ongoing.

The Committee discussed Benefit Realisation and expressed concerns about claims being made for this work. It was also reported that Phase 2 of mobile data was being rolled out where CID officers were to be supplied with phones and tablets and the use of photographs rather than physical productions could be implanted in the courts as early as July.

## 20 SOP Consultation

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

- 01.02.21 Police Liaison Officers Guidance v.03
- 27.01.21 Biometrics SOP v1.00
- 27.01.21 Biometrics Weeding & Retention Policy v1.00
- 27.01.21 Firearms Ranges SOP
- 22.01.21 Honour Based Abuse and Force Marriage National Guidance v1.00
- 22.01.21 Family Liaison National Guidance v1.00
- 11.01.21 Driver & Vehicle Licensing National Guidance v1.00
- 07.01.21 Building Security at Police Premises V6.00
- 29.12.20 Collisions and Incidents on the Roads Network V0.04 draft to be V1.00
- 24.12.20 Parking, Abandoned Vehicle National Guidance v0.03
- 23.12.20 Child Rescue Alert National Guidance v1.00
- 23.12.20 Vulnerabilities National Guidance
- 22.12.20 Draft Evaluation & Review Framework for Consultation
- 22.12.20 Reports and Statement Writing Guide v2.00
- 21.12.20 Reports & Statement Writing Guide v2.00
- 18.12.20 Police Leadership Development Programme (PDLP) v0.7
- 18.12.20 Negotiator Unit Scotland National Guidance
- 16.12.20 Productions National Guidance V1.00 (currently saved as Draft V0.07 and previously published as Productions SOP)
- 15.12.20 Pension Discretion v3.00 – Simplified Policy
- 11.12.20 Sexual Crime Investigation SOP V5.00
- 11.12.20 Investigation of Death National Guidance v1.00
- 07.12.21 Civil Aviation and Military Aircraft SOP
- 02.12.20 Service of Legal Documents National Guidance V1.00
- 27.11.20 Legal Documents Database User Guidance V2.00
- 27.11.20 Operation Bridger Guidance V3.00
- 27.11.20 Vehicle Standards and Safety SOP V3.00
- 27.11.20 OST/First Aid Consultation Documentation
- 26.11.20 Corporate Identity National Guidance v1.00
- 23.11.20 National Approaches to Policing Protest in Scotland
- 20.11.20 Surveillance (Operations and Log Keeping) SOP V4.00
- 19.11.20 Missing Persons SOP V7.00
- 19.11.20 Vehicle Defect Rectification Scheme
- 18.11.20 HO /RT National Guidance V1.00
- 18.11.20 Conditional Offer of Fixed Penalty Scheme National Guidance V1.00
- 17.11.20 Recovery of Vehicles SOP V10.00
- 17.11.20 Drink Drug Driving SOP V11.00
- 16.11.20 Scottish Parliament Justice Subcommittee on Policing call for written evidence – Dame Elish Angiolini Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing
- 16.11.20 Prostitution SOP V2.00
- 11.11.20 Armouries V3.00
- 09.11.20 Driver Improvement Scheme National Guidance V1.00
- 03.11.20 Public Order SOP V5.00
- 06.11.20 SID (Scottish Intelligence Database) SOP v5
- 06.11.20 Armed Policing SOP v5.05
- 02.11.20 Speeding SOP v6.07



## **21 EuroCOP/ICPRA**

The General Secretary provided an update. The Vice Chair and AGSH were to create a Health & Safety questionnaire in respect of future European Directives.

The Committee discussed equality and inclusion in relation to the European Parliament, review of trade union rights and agreed that Trustees could consider making a financial to assist the establishment of a new police union in South Africa.

The ICPRA conference had been postponed but it had been agreed that when it was convened it would discuss the training, demands and policing in a post emergency world.

## **22 Police Related Charities**

### **PTC**

It was reported that on the retiral of Nigel Bathgate, the new Trustees for the PTC and St George's Trust would be Andy Malcolm and Ricky Wood.

### **St George's Trust**

See above.

### **Scottish Police Memorial Trust (SPMT)**

It was reported that arrangements were well advance for the event in September 2021.

### **National Police Memorial Day (NPMD)**

It was reported that the 2021 NPMD was likely to be postponed.

### **Police Care UK**

The Committee discussed Police Care UK investments, its relationship with the PTC and funding partnerships.

## **23 Correspondence**

There were no items.

## **24 Competent Business**

The Committee discussed Conference 2021 and noted that it was likely to be digital, held in April and further information would be circulated when known.

## **25 Closure**

The Chair thanked everyone for their attendance and inputs at the meeting and advised that the date of the next meeting would be 11<sup>th</sup> May 2021.

A vote of thanks was given to the Chair.

**David Hamilton**  
**Chair**

**Calum Steele**  
**General Secretary**