



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 11th May 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
Scott 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
Paul Connelly
Jennie McFarlane

Gary Mitchell
Adam Peppard
Gordon McKeand

Assistants to the General Secretary (AGS)

Amanda Givan AGS(C)
James Thomson AGS(E)
Gordon Forsyth AGS(H)

Also in attendance

Lorna Cunningham	West Area Committee, Chair (Elect), 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 and Cath McNally who were replaced by Hugh Burns and Gordon McKeand.

2 Minute of Previous Meeting

The Minute of the previous meeting was circulated with JCC Circular 12 of 2021. The Minute was thereafter accepted as a true record.

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			
Criminal Legal Defence	1	3	4
Employment Dispute (EX OFFICER)			
Employment Dispute (serving officer)	2	1	1
FAI			
Judicial Review			
Misconduct			
Other		1	5
Personal Injury	2	4	5
Property Protection			
RTA	1	1	5
TOTAL	6	10	20
Legal Cases Off Duty			
Type of case	North	East	West
CICA			
Civil Legal Defence			
Contract Dispute	1		1
Criminal Legal Defence		4	12
Employment Dispute (EX OFFICER)			

Employment Dispute (serving officer)			
FAI			
Judicial Review			
Misconduct	2		
Other			2
Personal Injury		2	1
Property Protection			7
RTA		1	1
TOTAL	3	7	24
LEGAL FEES RECLAIMED - £114,159.52			
CLAIMS SETTLED - £97,233.09			

Allard & Others v Devon and Cornwall

It was reported that respondents had replied with some figures which could form the basis of a settlement.

Holiday Pay Claim

It was reported that the outcome of the PFNI challenge was still awaited. Negotiations with the force were ongoing and it was hoped that a settlement would be agreed in the near future.

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

It was reported that this matter was ongoing and the Public Inquiry was underway. It was noted that it was likely to be some time before the SPF were asked to give evidence however all documentation requested had been provided. The Deputy General Secretary said that he would keep the Committee updated on its progress.

Judicial Reviews

The General Secretary reported that there were two live applications for Judicial Review and a decision was awaited and two requests for legal opinion, one in relation to road traffic and driver legislation, and the other related to a pensions matter. The SPF was considering seeking a legal opinion relative to the current pension changes.

4 Police Negotiating Board (PNB)

The General Secretary said that a comprehensive report had been given at the SPF Conference in April.

He reported that since the last meeting, the PNB met on 23rd February and 19th April. Matters discussed included the Pay Claim which was still being negotiated.

He said that the issues relative to inspectors working hours and double lock still featured at the TWG. He also said in relation to COP26, inspectors' conditions were being discussed.

He reported that the claim relative to maternity pay was to be tabled on 16th June 2021.

Andy Malcolm told the Committee that in relation to inspectors working hours, a time off system was to be trialled.

5 Pensions

The General Secretary reported that the last meeting of the Scheme Advisory Board was held on 19th March 2021. The sole issue on the agenda was the unpausing of the cost cap remedy and the cost of the re-evaluation exercise. He said that the Government Actuaries Department (GAD) were waiting directions from the Treasury as to where the costs of the remedy for the police scheme (in Scotland circa £380m) would come from but it appeared that members would be asked to carry the heaviest cost. GAD had also made it clear that the challenge to the remedy would have an impact on the re-evaluation. The Chair said that the 2015 scheme had to sit within a cost bracket. Prior to the remedy, the scheme evaluation showed that scheme members had "paid in too much" compared to the cost of the scheme and that a rectification was required. The remedy however had meant that the members were likely to have "paid in too little" compared to the new cost. This was one of the many complexities in pensions that was currently being worked through and why there were so few easy answers.

Andy Malcolm asked what impact there would be from some officers challenging the tapering arrangements and what the Home Office's view was of this. The General Secretary said this was unknown, but he speculated that a calculation would be required of the costs over the seven years of the 2015 scheme. He said that in simple terms, if the employer was losing, the employee benefits would need to reduce, or the contributions increase. He continued that if the employee was benefitting, there would need to be a reduction of benefits or increase in contribution. He said there could even be an amalgam of the two.

Paul Connelly asked if the commutation cap was to be removed. The General Secretary explained that where an officer, 50 years of age and with 25 years police service retired, the lump sum which could be commuted was capped at 2.25x the pension. He said the removal of this provision had been discussed with the Treasury and the Home Office acknowledged that a move to an actuarially reduced commutation would be fairer however the question of who paid remained unanswered. He said that police forces in the UK were inclined to support this idea but did not want the costs impacting on their budgets. He said a legal challenge in this area was being considered.

The Chair reported that the Pensions Board had met on 16th February 2021. He said that the SPPA was now on its fifth CEO since 2015 and there had been a large number of new staff appointed. He also said the SPA was escalating a complaint about the SPPA and this could ultimately be raised to Scottish Ministers. He said that together with the General Secretary he had given evidence to a consultancy which was looking at how PSoS was delivering on pensions.

The Committee then discussed commutation figures and the underpinning agreement previously reached with the Scottish Government when he was the Justice Secretary. He said that the agreement effectively meant that Scottish officers would receive the best commutation figures applying in either Scotland or E&W as they fluctuated. This was to come to an end in April 2022.

Members then discussed the SPPA calculator which was not fit for purpose, the service portal, the annual benefit statements and the retired officers who would have to have their pensions amended due to the remedy.

6 Scottish Police Consultative Forum

The General Secretary said that a SLWG on legal advice and assistance from the SPA had met on 8th April 2021. A police circular first issued in 1978 was being updated to explain how this operated. He also said that an in-service injury compensation scheme was also being discussed. The Deputy General Secretary said that the review of legal advice and assistance was extremely important, and it was essential that members of the federated ranks enjoyed the same protections as was available to higher ranks.

The Chair reported on a TWG on career development. He said that around 20 officers were trialling the new system of the sergeant's pathway and had been temporarily promoted. On successful completion they would be made substantive in one year's time. A legislative change was needed to allow non-qualified officers to be promoted temporarily.

7 Scottish Police Authority

The General Secretary gave an update and said that the SPF had met the SPA Chair and discussed a number of ongoing issues. The SPF had been formally invited to the Resources Committee.

8 Scottish Police Budget & Finance

The General Secretary said that it appeared that officer numbers were not safeguarded by this budget. He said that only 12% of the budget (non staff) was protected.

9 Scottish Parliament & Political Engagement

The General Secretary said that due to the recent elections, there was very little to report. New MSPs were known and he said a comprehensive list would be circulated to all in order that engagement with them would begin at the earliest opportunity.

10 Joint Negotiating Consultative Committee (JNCC)

It was reported that the last meeting of this Committee was held online on 4th March 2021. Amongst items discussed were consultations, operation Talla, custody and COP26.

11 Finance Standing Committee (FSC)

It was reported that the last meeting of the FSC was held on 20th April 2021 and the Minutes had been circulated with JCC Circular 11 of 2021.

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

A recommendation from the FSC to pursue the purchase of properties in Aberdeen and Inverness was discussed and approval was given.

Amanda Givan asked about an SPF press release which had referred to the creation of a separate company in relation to the 1919 magazine. The Chair explained that the SPF had agreed to the establishment of a magazine and that the necessary arrangements for the employment of a journalist and the creation of an editorial board had been left to the JCC officers to pursue. He said that legal advice had been sought on the best way to go forward to ensure that there would be limited liability and reputational risk to the SPF.

Neil Macdonald highlighted that the JCC had authorised the exploration of the publication but had expected that the JCC officers would refer to the JCC before finalising arrangements in such detail. He also asked if money had been spent and who had appointed the editorial board. The Chair replied that their enquiries with designers and consultants had incurred expenditure, but this was within discretionary limits. He also said that further details were contained in the last Minute of the Finance Standing which had been circulated to members of the JCC. He continued that a journalist had been employed and she was generating content for the first issue. The Committee then discussed the content and general direction the magazine would take.

12 Legislation and Regulation Standing Committee

It was reported that the last meeting was held on 20th April 2021 and the Minute had been circulated with JCC Circular 11 of 2021. There was nothing further to report.

13 Operational Duties Standing Committee

It was reported that the last meeting of the Operational Duties Standing Committee was held on 20th April 2021 and the Minute had been circulated with JCC Circular 11 of 2021. There was nothing further to report.

14 Conduct Committee

It was reported that the last meeting of the Conduct Committee was held on 6th April 2021 and the Minute had been circulated with JCC Circular 10 of 2021. There was nothing further to report.

15 Equality Committee

The last meeting of the Equality Committee was held on 25th March 2021 and the Minute had been circulated with JCC Circular 10 of 2021.

The AGSE reported that since taking over the role of AGSE, he had been keen to strengthen links with PSoS and other associations. He said there had been early signs of improvement on Ill Health Retirements (IHR) and Injury on duty (IOD) but that changes to the process were required for further improvements to be enabled. He said that the two selected medical practitioners (SMPs) appeared to be having no impact on the numbers of officers in the IHR and IOD processes which sat in excess of 100.

He provided the following statistics:

Current Workforce

68% male – 32% female

Live SPF cases

Equality – female - 62%

Grievance – female - 57%

IH – female - 41%

Police Scotland's Live IHR cases

Female 47 %

Figures received from PS regarding officers in the last 12 months who have been impacted by a reduction of pay (six months + absent in the last 12 months).

Total - 632

Male – 372 - 58%

Female – 260 - 42%

The AGSE also reported on tribunal rulings and legal assistance issues and said that he was developing training in relation to equality matters for both FTOBs and representatives.

16 Health and Safety Committee (H&S)

The last meeting of H&S Committee was held on 8th April 2021. The Minute had been circulated with JCC Circular 10 of 2021. There was nothing further to report.

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

17 SPF Training

The Vice Chair reported that he was seeking to progress training for three basic courses, FTOB training for IOSH accreditation, two equality courses and conduct courses.

He said that serious concerns persisted in relation to the number of response police officers who had received no driver training. There were also concerns about the limited nature of legal exemptions available to police drivers. The Committee agreed that a communication should be sent to all police officers in relation to this pointing out the risks to personal driving licences and motor insurances of driving police vehicles.

He said that he and the Policy & Co-ordination Officer were hoping to conduct a FTOB course in the near future.

18 JCC Circulars

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

- 12/2021 JCC Minutes February 2021
- 11/2021 Finance, Legislation & Regulations and Operational Duties Standing Committee Minutes April 2021
- 10/2021 Conduct, Equality & H&S Subject Committee Minutes March/April 2021
- 09/2021 Policy Pay
- 08/2021 Member's Appointed to the SPA
- 07/2021 Annual Police Plan
- 06/2021 Naloxone -Carriage & Administration by the Police
- 05/2021 Subject & Standing Committee Minutes

19 Police Service of Scotland Reform

The Chair reported that the Change Programme had evolved and that SPF would have representation on some major bodies and projects. He said there were 11 programmes and 69 projects. David Threadgold said he had attended a meeting on body worn video and that there were some potential supply and IT issues involved. The force was looking to equip AFOs who would be working at COP26. The Committee fully supported the issue of body worn videos as widely as possible.

Heather MacDonald reported on a meeting regarding the Digital Evidence Sharing Capability (DESC) project where the business case was on track and that all partner agencies were engaged in the procurement process which should conclude by the end of July.

The Chair gave a general update on the Change Board which was monitoring fleet investment and the infrastructure and training issues relating to electric vehicles. He said that on the People Strategy passed in January it appeared that SPF comments had been ignored and that there was some friction between P&D and Staff Associations. Issues included shift patterns, rural issues, OBLs, annual leave distribution and rank ratio harmonisation.

The Committee discussed the debates there had been on future savings and it was apparent that HMICS could not evaluate the baseline savings figures. The Committee expressed significant concerns on this matter.

20 SOP Consultation

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

- o 03.05.21 Case Reporting National Guidance v0.07
- o 29.04.21 Fraud Policy v0.05
- o 28.04.21 Data Protection SOP v7.03
- o 09.04.21 FOI SOP v4.05
- o 01.04.21 Externally Funded Officers National Guidance v0.11
- o 30.03.21 Temporary Promotion Procedure v0.01
- o 10.03.21 Hate Crime v0.05
- o 10.03.21 Looked After and Accommodated Children who go Missing from Residential and Foster Care in Scotland National Guidance v0.6
- o 08.03.21 Mental Health & Place of Safety at Work v8.00
- o 08.03.21 Stalking and Harassment SOP V4.00
- o 08.03.21 Driver Training v3.00
- o 04.03.21 Airwave National Guidance
- o 03.03.21 Drugs Investigation National Guidance v0.06
- o 25.02.21 Licensing National Guidance v1.00
- o 23.02.21 Missing Person Additional Investigative Considerations v1.02
- o 16.02.21 Vehicle Pursuits v6.00
- o 16.02.21 Contact, Command & Control (C3) Division National Guidance V1.00
- o 16.02.21 Armed Policing Training SOP
- o 15.02.31 Critical Incident Management National Guidance v1.00
- o 15.02.21 CHIS National Guidance
- o 15.02.21 Death & Serious Injury in Police Custody
- o 09.02.21 Special Constable National Guidance v1.00
- o 03.02.21 Identification Procedures National Guidance v1.00

The Vice Chair reported that the SOPs review had now concluded, and the volume should reduce in future.

21 EuroCOP/ICPRA

The General Secretary provided an update and said that it had been confirmed that the ILO had accepted ICPRA as a participant in the ILO Conference in June. That would be the first time that police officers would be recognised as workers and that policing would be represented.

He said that the EuroCOP Spring Meeting had been held online and a summary of activities had been presented. This information was available on the EuroCOP website.

22 Police Related Charities

PTC

It was reported that the Vice Chair, Andy Malcom and Ricky Wood had attended the last meeting on 6th May 2021. An update was provided particularly relative to the implications for those affected by the IHR.

Scottish Police Memorial Trust (SPMT)

It was reported that plans for the event scheduled for September were unclear, but it was likely that a physical event would be held, and a meeting was to be held later in the week.

National Police Memorial Day (NPMD)

It was noted that the event was scheduled to be held in Lincoln Cathedral and would be limited to 350 attendees. Members were advised that the Chief Constable, the SPF Chair and two relatives would be invited to attend.

Police Care UK

It was noted that new ICT systems were in place and work continued, in particular looking at mental health and wellbeing.

SPBF

It was noted that sub committees in the North, East and West areas continued to have regular meetings. The issue relative to Restitution Orders continued to be progressed with the Scottish Government.

23 Motions

The following motion had been remitted to the JCC following the NAC meeting in February:

- That this Area Committee asks the JCC to review the responsibilities of, and relationships between full time Area Committee Office Bearers so that line management issues are clearly understood.

An amendment as follows was proposed and seconded by the General Secretary and Deputy General Secretary respectively.

- That this Area Committee asks the JCC to review the roles, responsibilities, relationships and all other relevant matters between all full time office bearers.

This amendment was discussed and thereafter defeated.

The original motion was proposed and seconded. The motion was discussed and carried.

The JCC established a sub-committee consisting of the three Area Chairs and Ricky Wood which would deal with this motion.

The following motion had been remitted to the JCC following the NAC meeting in February:

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

The motion was proposed and seconded and was discussed and carried. It was remitted to the L&R Standing Committee.

24 Correspondence

The Chair had received a letter of resignation from Paul Connelly, Chair of the WAC who had decided to return to operational duties. Thanks was given to Paul for the work he had carried out as Chair of the WAC and best wishes for the future.

25 Competent Business

There were no items.

26 Closure

The Chair thanked everyone for their attendance and inputs at the meeting and advised that the date of the next meeting would be 17th August 2021.

A vote of thanks was given to the Chair.

David Hamilton
Chair

Calum Steele
General Secretary