



**Scottish Police Federation**

**PO Box 27163, Glasgow, G3 9EZ**

**Joint Central Committee  
Conduct Subject Committee**

Ref: CS/DK/CR

## **MINUTES**

13 July 2021

### **1. Attendance and Opening**

David Kennedy (Meeting Chair)  
Amanda Givan

Deputy General Secretary  
Assistant to the General Secretary (Conduct)

Ross Polworth  
Nick Clasper  
Pat Nicoll

North Area Committee  
North Area Committee  
North Area Committee

Graham Ross  
David Reid  
Euan Sinclair

East Area Committee  
East Area Committee  
East Area Committee

Lorna Cunningham  
Lynne Gray  
Christopher Thomson  
Jennie MacFarlane  
Stuart Finnie  
David Carmichael  
Pamela McFarlane  
Stewart Gailey  
Michael McCaughey  
Craig Dunn

West Area Committee  
West Area Committee  
West Area Committee  
West Area Committee  
West Area Committee  
West Area Committee  
West Area Committee  
West Area Committee  
West Area Committee  
West Area Committee

Cara Riley

Administrator

The Chair opened the meeting by welcoming everyone and invited all to take an active part. Due to COVID-19, the meeting was carried out via Video Conferencing.

Apologies were received from Michelle Ritchie.

## 2. Minutes of Previous Meeting

The Minute of the previous meeting held on 6 April 2021, had been circulated with JCC Circular 10 of 2021, and was adopted as a true record.

## 3. Criminal Cases

The AGSC informed the Committee that since the last meeting there had been 25 applications for legal advice and assistance relating to criminal allegations. Three of these cases resulted in the member being interviewed by Police, released without charge, and the investigation being concluded due to insufficient evidence. Discussion followed on the range of offences which remained under investigation ensued.

The AGSC reported that one of the biggest drawbacks of COVID, had been the significant backlog of criminal cases waiting to be progressed. The Committee were reminded to give realistic advice in terms of timescales to members.

The Committee were informed of 2 new suspensions; one in the East and one in the West. This brought the current totals to 7 in the East, 6 in the North and 15 in the West.

Area Leads reported as per the table below:

CRIMINAL CASES			
TYPE NEW	NORTH	EAST	WEST
Legal Applications	1	6	18
Total Criminal Cases	20	38	80
Criminal On Duty	10	22 (8 new)	48
Criminal Off Duty	10	16 (7 new)	32
Criminal Closed	2	27	39

## 4. Conduct

The AGSC reported that during the 12-month period between 1 April 2020 and 31 March 2021, PSD's Conduct Unit had carried out 376 Preliminary Assessments following submission of Divisional referrals. Analysis of this figure identified 32 cases which related specifically to COVID-19 matters. The majority of assessments being attributed to the West (52.7%), East (24.7%) and the North (22.6%). Twenty-four Conduct meetings and 12 Gross Misconduct Hearings had occurred during the same period with 2 officers being dismissed.

The Committee were advised that in the last week, 4 misconduct packs had been served on members in the West area. The AGSC emphasized that the tight timescales involved in preparation and service provision to members, required prioritization by FTOBs over general SPF business. Due to the this, and the smaller number attributed to the East and North areas, it had been recognised that there is a real opportunity for FTOBs/representatives to gain valuable experience and become more involved in dealing with conduct matters in the West area.

The Chair requested and was provided with an overview of area cases.

Lorna Cunningham reported that current investigations relate to COVID breaches, which despite being dealt previously as improvement actions, were now progressing to misconduct/gross misconduct investigations, primarily its believed due to media coverage. Other ongoing cases related to inappropriate comments within the workplace.

Graham Ross reported a number of road traffic cases and telecommunication investigations.

Ross Polworth reported a number of domestic related investigations ongoing within the North area.

Area Leads reported as per the table below:

CONDUCT CASES			
TYPE NEW	NORTH	EAST	WEST
On Duty - New Cases Gross	1	1	1
On Duty - New Cases Misconduct	0	1	0
Off Duty - New Cases Gross	2	0	5
Off Duty - New Cases Misconduct	0	0	1
Total Conduct Cases	9	5	20
Gross On Duty	2	3	4
Misconduct On Duty	1	2	2
Gross Off Duty	6	0	12
Misconduct Off Duty	0	0	2
Gross Closed	1	3	2
Misconduct Closed	4	3	9
Gross Misconduct Hearings held	0	0	1
Misconduct Meetings held	1	0	6
Numbers of Suspensions	6	7	15

## 5. Complaints Against the Police

The AGSC noted that no issues or concerns had been raised by the Committee regarding the new Complaint Handling structure, which had been in place since 1 May 2020.

The PSD report on Complaints against the Police identified an increase of just under 10% during the past year. The AGSC explained that COVID-19 could account for this increase, as the most prevalent complaints related to officers failing to maintain physical distance from each other and members of the public, and a failure by officers to wear appropriate PPE.

Discussion followed in relation to concerns around the recording of complaints and the impact this may have on transfer/post applications. The AGSC confirmed that the trigger for officers subject of complaints, is 4 over a 12-monthly period, and whilst this would result

in escalation to Division, it should have no bearing on applications. The AGSC agreed to escalate this issue due to an inconsistent approach across Police Scotland.

## **6. Performance**

The ASGC highlighted an underuse of Performance Regulations, and misuse of the Conduct Regulations to deal with like matters, which is evidenced by the table below. Ross Polworth confirmed that the 2 cases recorded in the North area were unrelated to conduct matters.

Area Leads reported as per the table below:

PERFORMANCE CASES			
TYPE NEW	NORTH	EAST	WEST
New applications	2	0	0
Total Performance Cases	2	0	0
Performance Closed	0	0	0

## **7. Post Incident Procedures (PIP)**

The AGSC summarised 2 Post Incident Procedures which had occurred since the last meeting.

The Chair reported that due to a significant lack of PIPs being carried out, this matter had been raised at the JNCC, as it was recognised this was a failing by the Force Executive to ensure this process was followed.

The AGSC briefed the Committee of an occasion where the PIM had recommended officers allow PIRC staff to take their statement, as opposed to officer submission at a later date. Difficulties highlighted included the officer not possessing a copy of their statement and the different skill levels of PIRC staff involved. The Chair reported that this would be raised with the PIP team at Police Scotland.

Discussion ensued regarding a lack of experience and understanding of the procedures by members. It was recognised that further awareness would alleviate some of the concerns raised, and ultimately safeguard members welfare and ensure timeous action.

The AGSC highlighted that a spreadsheet was maintained on such incidents which had not resulted in PIP, and requested that notifications of similar incidents which may result in criticism of the Police, be escalated to her via area FTOBs.

## **8. Police Investigations and Review Commissioner (PIRC)**

Discussion followed on the investigations which had commenced since the last meeting and the PIRC reports published during the same period. It was noted that no criticism was leveled at any member within the reports.

## **9. Review of Complaints Handling, Investigations & Misconduct**

The AGSC reported on the Thematic Progress Report which had been published on 24 June 2001. The report detailed progress of the 81 recommendations from the final report, and the 30 recommendations from the preliminary report.

The Committee were informed that both the AGSC and the Chair had been invited to be members of the PSD Dame Elish Strategic Oversight Group chaired by ACC Speirs. The Group, who is made up of PSD Senior Management, together with the SPF and ASPs, will essentially look to progress the PSD recommendations, which can be implemented without the need for any legislative change. The initial meeting had occurred and primarily dealt with Terms of Reference and membership.

## **10. Training**

The AGSC reported that Conduct Training is progressing, with priority being given to new FTOBs. However, any Committee member or representative who would benefit from Conduct Training should notify area leads, for progression.

The Committee were also advised that PIP training is intended for all FTOB's and possibly local representatives in the future.

Discussion arose regarding the possibility of training/awareness sessions being incorporated into the Conduct meeting, to negate the need for further abstractions. The Chair confirmed this was under consideration, along-with meeting reviews and on-line training packages. The Committee will be kept updated.

## **11. Competent Business**

- iPad Mini – The AGSC emphasized the importance of utilising this technology fully for assessment and wider distribution to other Subject Committees.
- The AGSC requested that, due to Lynne Gray and Gordon Cumming being elected FTOB's, confirmation of replacements be submitted following the next WAC.
- The Committee were reminded to utilise the Contact form for updates, which had been created to simplify the process - <https://spf.org.uk/form>.
- The Chair advised the Committee of a Judicial Review in respect of a recent legal challenge; details of which would be circulated in due course.

## **13. Closure**

Date of next meeting: **28 September 2021.**

The Chair thanked everyone for their contributions and closed the meeting.