



Scottish Police Federation East Area Committee

Minutes of the First Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 2nd March 2022 within the Houston House Hotel, Uphall, Livingston, EH52 6JS

1 OPENING OF THE MEETING

The Chair welcomed all those in attendance to this, the First Quarterly Meeting of the East Area Committee for 2022. Special mention was given to Willie Rennie and Christopher Scott who were attending their first Quarterly Meeting.

The Chair reminded those present that COVID safety measures remained in place and facemasks were required when moving around the venue. All attendees had been asked to take a lateral flow test prior to attending the meeting.

Representatives were reminded that their attendance at Committee Meetings was a duty, that approval had been given from the Chief Constable for their attendance and stressed the importance of Representatives attending and contributing on behalf of members.

The Committee were informed a meeting of the Rank Committees was necessary to elect the representatives of the EAC for the Joint Central Committee (JCC) along with Office Bearers on each of the rank committees.

The Committee were reminded that ACC Kenny MacDonald would be attending later and would answer questions posed by the Committee.

The agenda and evacuation protocols were highlighted, Standing Orders were adopted, and the meeting was declared open.

2**ATTENDANCE**

Inspector Mark Murphy	C - Forth Valley
Inspector Martin Vickerman	C - Forth Valley
Sergeant David Reid	C - Forth Valley
Sergeant Christopher Scott	C - Forth Valley
Constable Lyn Redwood	C - Forth Valley
Constable Allan Lapsley	C - Forth Valley

Inspector Norman Towler	E - Edinburgh
Inspector Mark Sherman	E - Edinburgh
Inspector Peter Jones	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Sergeant Heather Macintyre	E - Edinburgh
Sergeant Christopher Richardson	E - Edinburgh
Sergeant Willie Rennie	E - Edinburgh
Constable Stevie Neilson	E - Edinburgh
Constable David Davison	E - Edinburgh
Constable Richard Wood	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh

Inspector Michelle Ritchie	J - The Lothian's & Scottish Borders
Inspector Andrew Toombs	J - The Lothian's & Scottish Borders
Inspector David Hughes	J - The Lothian's & Scottish Borders
Sergeant Ross Drummond	J - The Lothian's & Scottish Borders
Sergeant James Gowling	J - The Lothian's & Scottish Borders
Sergeant Bryan Jones	J - The Lothian's & Scottish Borders
Constable Gareth Watt	J - The Lothian's & Scottish Borders

Inspector James McLaren	P - Fife
Inspector Ian Stephen	P - Fife
Sergeant Craig Menzies	P - Fife
Sergeant David Hayes	P - Fife
Constable John Turley	P - Fife
Constable Ben Pacholek	P - Fife

Andrew Malcolm	Chair
Stephen Clark	Secretary
Graham Ross	Vice-Chair
Heather Macdonald	Deputy Secretary

3 APOLOGIES

Apologies received from Darren Gallagher, Kevin Taylor, Gavin Grant, Graeme Mathers, Craig Fogg, Eric Dickson, Anne Begley, Liam Harman, and Michael Williamson.

4 MINUTES OF THE PREVIOUS MEETING

Those present approved the minutes of the previous meeting held on Wednesday 1st December 2021. The minutes had previously been circulated to the Committee via Teams.

5 SEPARATES – MEETINGS OF THE RANK COMMITTEES

The Committee broke into rank committees and elected Office Bearers, JCC Representatives and Reserves.

6 MATTERS ARISING

(a) JOINT CENTRAL COMMITTEE UPDATE

The Secretary informed the Committee that the last meeting of the Joint Central Committee (JCC) had taken place within the SPF Office in Dundee on Tuesday 8th and Wednesday 9th February 2022 and the Committee were updated as per the agenda papers. Points worthy of note included the following:

Legal Update:

Allard – Remains ongoing.

Holiday Pay – Remains ongoing.

WhatsApp – The right to appeal to the Supreme Court has been refused. The legal position and advice were awaited from Queens Counsel. Further right of appeal would be to Europe. Remains ongoing.

The Sheku Bayoh Public Inquiry – The first Hearing is due to commence on 10th May 2022. PSoS and SPF continue to provide support to those officers involved. Ongoing.

Judicial Reviews – Currently two ongoing, one in relation to the pension provisions provided to unmarried partners in the '87 Scheme and, the other a request for legal opinion from Junior Counsel in respect of rest day banks and the failure of adherence to Regulation, i.e., the Chief Constable must re-roster within 4 days.

Appeals – Two appeals were heard – both were declined by the JCC.

PNB (POLICE NEGOTIATING BOARD)

The Secretary informed the Committee the last PNB meeting had been held on 16th February 2022. The Committee were updated as per the agenda papers. Points worthy of note were:

Pay Claim 2022 – Staff Side lodged 2022 pay claim on 16 February 2022. Discussions ensued, which included members expressing thanks for the transparency in publishing the pay claim and for the work that had been carried out in relation to the Pay Claim. Local representatives highlighted having received positive feedback from members.

PNB EWG (Equality Working Group) – Staff Side previously lodged the claim for increased provision in relation to Maternity to align policing in Scotland with the rest of the UK. Remains ongoing.

Inspecting Ranks Working Hours – Work remains ongoing.

In-service Compensation Scheme – This remains on the agenda of the Scottish Police Consultative Forum; however, the group has not met for some time. Remains ongoing.

Queens Platinum Jubilee – Staff Side have submitted application for an additional Public Holiday in either May or June 2022. There has been a delay due to official side concerns regarding the operational impact. Remains ongoing.

The next full PNB meeting has been scheduled for June 2022. (Exact date to be confirmed).

PENSIONS

The Committee discussed the recent pension changes and consultations issued by Scottish Government. These were focused on JCC Circular 1/2022 – The Police Pensions (Amendment) (Scotland) Regulations 2022 and SPPA 2/2022 in relation to changes in the PPS 1987 from 1st April 2022, which enabled unrestricted commutation for those aged 50 years of age and who had completed 25 years police service. Previously this had been subject to a commutation cap (x 2.25). SPF and other UK Staff Associations have been trying for years to achieve this change as part of pension reforms.

The Committee were reminded that the SPF can provide information regarding the various schemes but are not suitably qualified to provide any pension or financial advice.

Pensions Consultations – SPF responses were submitted regarding the recent Scottish Government consultations on the ‘remedy;’ the commutation cap and the commutation underpin (extension of by the Scottish Government).

‘Immediate Detriment’ (persons due to retire prior to October 2023) - The SPF legal case remains cisted, awaiting actual detriment. Remains ongoing.

‘Pension Trap’ (service in both schemes – ‘87 Scheme + CARE) - Government consultation regarding this issue continues. Remains ongoing.

‘Injury to Feelings’ - SPF are representing 6000 members via Thompson’s Solicitors with the legal case currently cisted. The details of the England & Wales settlement are awaited. Remains ongoing.

Pensions increase – Increase this year of 3.1%.

SPPA – Issues with the SPPA continue. The SPF continue to highlight the issues and inefficiencies, including directly with the SPPA and Scottish Government. SPPA is a public organisation who report to Scottish Government who are aware of the problems officers are experiencing. It was reported that the SPPA claim that they receive very few complaints from officers. It was highlighted that members can complain direct to SPPA if they experience issues.

JCC CIRCULARS

The following circulars had been disseminated since the last EAC meeting:

- **01/2022** - The Police Pensions (Amendment) (Scotland) Regulations 2022 – Scottish Government Consultation 2021 – Information.
- **02/2022** - JCC Minute & Finance Standing Committee Minute - November 2021 – Information.
- **03/2022** - Wellbeing Survey – Information.
- **04/2022** - Minute of Conduct & H&S Subject Committees – Information; and
- **05/2022** - Equality Subject Committee Minutes 12/01/22 – Information.

SOP CONSULTATIONS

The following had been disseminated since the last EAC meeting: -

- **29/11/2021** - Auditors & social media Bloggers;
- **30/11/2021** - Remotely Piloted Aircraft Systems (RPAS) Code of Practice.
- **13/12/2021** - Custody Policy.
- **17/12/2021** - ACRA (S) 2019.

- **24/12/2021** - Cybercrime First Responder Guide National Guidance.
- **18/01/2022** - Reports & Statements Writing Guidance.
- **24/01/2022** – Productions.
- **24/01/2022** - Hate Crime Campaign 2022.
- **28/01/2022** - Family Liaison.
- **11/02/2022** - Criminal Justice (S) Act 2016 (Arrest Process) National Guidance.
- **15/02/2022** - Complaints About the Police SOP/EqHRIA.
- **15/02/2022** - Care and Welfare of Persons in Police Custody SOP/EqHRIA.
- **15/02/2022** - Fireworks and Pyrotechnic Articles (Scotland) Bill; and
- **18/02/2022** - Draft Annual Police Plan 2022/23.

The Committee were informed of the change to circulating the SOP consultations for feedback. In the future SOPS will be sent to specific EAC Representatives whose experience/speciality/skills relate to the SOP that is being consulted on. The Committee endorsed this approach.

The next Joint Central Committee Meeting will be held on 19th and 20th April 2022.

b) STANDING COMMITTEE UPDATES

The Committee were updated on the pertinent elements as per the agenda papers.

FINANCE COMMITTEE

The Chair reported that the Finance Committee last met on 8th February 2022.

An update had been provided on the continued positive financial position of the Members Benefit Trust and Voluntary Fund.

The JCC approved a motion by the Chair of EAC regarding a review and SPF rule change in relation to Death Benefit; and accordingly, the payment has been increased to £5,000.

LEGISLATION & REGULATION COMMITTEE

No meeting had been held. (See AOCB - JCC Standing & Sub Committees – Review/Proposal)

OPERATIONAL DUTIES COMMITTEE

No meeting had been held. (See AOCB – JCC Standing & Sub Committees – Review/Proposal)

c) **SUBJECT COMMITTEE UPDATES**

CONDUCT

The Vice-Chair reported that the JCC Conduct Sub-Committee met via TEAMS on 11th January 2022. The minutes of which had been circulated on TEAMS for the EAC Representatives. Underrated is worthy of note:

The position in the East Area as of 1 March 2022:

Conduct on duty = 4 (No Change)

Conduct off duty = 2 (Down 1)

Criminal on duty = 25 (Down 1)

Criminal off duty = 16 (Up 1)

Twelve criminal cases in the East have been closed since the last quarterly meeting and ten officers in the East Area are currently suspended.

A bottleneck has developed in relation to court cases waiting to be heard due to COVID and, there is a real danger that these cases will be heard in and around the same time, resulting in a deluge of conduct cases.

Sheku Bayoh – the Public Enquiry in relation to Mr Bayoh's death continues and has gathered pace in recent times, with the Hearings to commence on 10th May 2022.

WhatsApp – officers involved in this case have lost their most recent right to appeal. Contingencies are in place to support these officers.

The Vice-Chair thanked those on the Committee he had to reach out to for assistance in recent times to support colleagues attending courts etc. Their help had been greatly appreciated both by himself and the officers they had supported. He went on to say that given the demands that lay in the months ahead, he was in no doubt that the request for assistance from the Committee would become more frequent to help deal with the volume of work expected. He emphasised the importance of pulling together as a Committee especially as three of the four full-time office bearers would be retiring within the coming months.

An opportunity remains for a representative to fill one of the conduct positions within 'E' Division and the Vice-Chair sought a volunteer(s) for the vacancy.

EQUALITY

The Chair updated the Committee in relation to equality matters within the East Area, including the following items of note:

Ill-health retirement process continues to be the subject of delays because of COVID.

PSoS have appointed four new selected medical practitioners to address the backlog however, there are still considerable delays for our members remaining within the process. To date these officers continue to be supported by PSoS and the SPF.

Regrettably, when applying for flexible working in certain areas our members continue to encounter challenges.

HEALTH & SAFETY

The Deputy Secretary provided this update, with the following highlighted:

COVID Update – Nationally there are improvements although absence within the Force remains high.

The wearing of IIR masks is likely to remain within police buildings and cars with guidance around the wearing of FFP3 masks remaining the same. If there is a perceived risk, then officers must wear their FFP3 masks to protect themselves. Endorsement of the clean-shaven policy.

Administration & Governance – the Deputy Secretary reported that there are currently 4 x ongoing H&S Investigations in the East Area.

PSoS – the Service have recruited 2 x new Health & Safety Advisers. Regular monthly Health & Safety meetings with all East Divisions, CJSD, Road Policing and LDT continue to be very productive allowing any emerging issues to be raised and addressed.

Training – further IOSH training courses will take place later in the year for those EAC Representatives who remain to be trained. Any representatives experiencing difficulties regarding the attendance at meetings or training courses should highlight this to the Deputy Secretary who is the Area lead for Health & Safety.

Assaults – SCoPE has reported an increase in assaults on Police Officers in Scotland. Some areas have adopted the process not to close crime reports until a SCoPE reference has been added which is clearly making an impact on the numbers.

OST Review Process – more incidents are to be reviewed from an OST perspective to ensure timeous sharing of learning should a particular issue develop, or equipment fail or be ineffective.

CJSD – a variety of steps to reduce the amount of time custodies are spending waiting to be processed are currently being taken as, this is seen as a significant flashpoint and the cause of many assaults in Custody areas. There has been a substantial increase in the submission of “The Use of Violence Forms” however, it is uncertain if this is due to improved reporting or, an increase in violence.

There are challenges within PCSO-Led Custody areas in particular delays with prisoner transfers and processing, leading to hostile environments for officers. Also, constant obs duties and prisoners being unable to use toilet facilities due to COVID.

Taser – training continues although will be delayed for a period due to the suspension to training associated with COVID. Tasers are now available in more hubs having a positive impact on the number of previously trained officers in terms of accessing/carrying the equipment.

Personal Protective Equipment – (PPE – Body Armour) – the three volunteers are yet to be identified in respect of the formed armour. If successful, it will take approximately one year for the Home Office Certification. Only fifteen officers responded to the User Survey with the feedback generally being positive in relation to comfort and flexibility. Phase three will commence in November with 5281 standard body armour and 670 ballistic armour wearers measured with ballistic being priority. It is hoped to have the delivery by the end of the financial year. Resulting in 8000 officers possessing new armour and the old armour being completely replaced.

Clothing & Equipment Working Group Hearing Protection Trials – following testing completed by Heriot Watt University on the Surefire EP4 Headsets, User Trials were due to commence over the Christmas period at events such as football matches however, it is uncertain if the trials took place!

Cycle Equipment – Kit List has been agreed and procurement are progressing with contracts.

Vehicles – further incidents have been reported involving catastrophic failures of the engine of BMWs in England. PSoS provided reassurance that the traffic light system for use of the vehicles is being adhered to. There has now been a significant increase in the Volvo fleet being held by PSoS.

Naloxone – The Committee discussed Naloxone, with lots of questions, but not many answers regarding the specifics in terms of the future carriage, e.g., will carriage be mandated by the Chief Constable? etc. Further communication/decision/policy awaited from PSoS.

The Health & Safety Committee had been informed in October that there had been forty-seven recorded uses with no issues regarding the Ambulance response in all cases.

First Aid - both individual and vehicle first aid kits are being 're-vamped' to contain items that are more in line with the training officers now receive at OST and advanced first aid training courses. This will enable officers to deliver a better response to significant injuries suffered by colleagues and the public.

Discussions are ongoing in relation to the roll-out of first aid training and the impact of scheduling this into the training backlog due to the ongoing suspension of all 'non-essential' training. First aid training is currently not being classified as essential training due to other competing training priorities, therefore it may be next year before it re-commences.

Casualty Transport – A Positional Statement has been received by the Scottish Ambulance Service in relation to this.

This policy is aimed at where there is a risk to life and, not convenience, with considerations covering associated liabilities and responsibilities placed on those who make the decision to move the casualty, or alternatively leave an incident if the clinical advice is that the casualty does not need to be transported to A&E. PIRC and COPFS roles in respect of officer scrutiny and protection require further clarity.

Winter Issues 4x4 Vehicles - Fleet have confirmed that they have supplied the Scottish Borders ('J' Division) with two new vehicles. 'J' Division had sourced two 4x4 vehicles on hire to see them through the winter and challenging weather conditions.

Electric Vehicles – several electric vehicles had been marked up specifically for COP26 with police markings should have had the markings removed prior to being distributed. It would appear, that this has not happened, and they have been distributed whilst still marked up. The Fleet Manager has assured the Deputy Secretary that these vehicles should only be used for community and **not response** therefore, the Committee were asked to let her know if they see any being used in response mode as they do not have the capacity to carry the necessary equipment.

The Deputy Secretary informed those present that Ricky Wood would be replacing her as the new Health & Safety Lead for the East Area when she retires in June 2022.

d) **DIVISIONAL UPDATES**

'C' Division

Chief Superintendent Alan Gibson, Superintendent Drew Sinclair and Superintendent Mark Lundie met with Martin Vickerman, Mark Murphy, Allan Lapsley and Lyn Redwood. The following items being worthy of note:

VSA 2x2x2x Shift Pattern – an internal ‘C’ Division survey had been carried out by divisional management which had a 61% positive return. If introduced, it is not likely it will come into Force until late Summer 2022. If approved this will bring ‘C’ Division in-line with the other three divisions in the East in terms of the ‘222’.

Custody – Closure of Falkirk/transfer to Dunfermline – discussions ensued regarding the 12-week closure of Falkirk Custody for refurbishment. The lack of female officers on duty within custody; response officers routinely being expected to travel to Dunfermline to take released prisoners’ home or bring medication and, prisoners going to Larbert Royal Infirmary for treatment as opposed to Forth Valley being a real issue when there is no overlap.

Custody Suite – Stirling – positive feedback from officers and custody staff regarding the re-opening of Stirling for processing of compliant, ‘low risk’ prisoners. This has been efficient, and members hope that it can remain open in the long-term.

New Body Armour/Vests – lack of pockets making them unsuitable for operational policing with some officers resorting to cutting pockets off old vests. **No alterations are to be made to any police issue vests.**

Other topics – raised and discussed were officers countermanded for court and being changed to meet a lack of resources; unsupportive comments being recorded on job applications due to the current lack of resources in the division and Operation Einstein (Divisional response to Old Firm matches).

‘E’ Division

The Committee were informed that Chief Superintendent Scott had been unavailable, and no meeting had been able to be held this quarter. A meeting will be arranged for a future date. Recent, ongoing Issues within the division including a lack of resources and the lack of operational vehicles have been raised with the command team.

‘J’ Division

The meeting had taken place on 15 February 2022. Present had been Chief Superintendent Paton, Superintendent Hazlett, James Gowling, Bryan Jones, and David Hughes.

Discussions focused on resourcing challenges within the division, the lack of training and development opportunities for officers and supervisor/officer cover resulting in multiple moves across sub-divisions. The failing fleet and the lack of infrastructure for electric/hybrid vehicles.

A newly formed Divisional Estate Group has been created to look at estate issues

Other issues / topics included Acting, and members frustrations regarding court citations.

'P' Division

It was reported that there had been no meeting in the past quarter. Local Reps to seek to arrange a future meeting.

e) MAJOR EVENTS

The Secretary highlighted the following events that directly impact upon the East Area in the coming weeks/months: -

- **Operation Woodrow VI (Holyrood Royal Week)** – is due to take place at the end of June, beginning of July 2022; and
- **Operation Apostle (150th Open Golf at St Andrews)** – will run from the 10 July to the 17 July 2022.

8 NEW BUSINESS

No new business.

9 ANY OTHER COMPETENT BUSINESS

Joint Central Committee (JCC) Standing and Subject Committees/Proposed Changes to Structure

The Secretary discussed the proposed changes to the Joint Central Committee (JCC) Standing and Subject Committees and sought opinion/feedback/comment from the Committee.

The General Secretary/JCC highlighted an issue around escalating matters to the Chief Constable and PSoS. Defined and appropriate routes are required, and it has been proposed to replace several of the existing Committees, except for the Finance Committee and Health & Safety Subject Committee (required by law), with 3 x new Sub-Committees, namely People, Working Practices and Policy Procedures. The proposal suggests that the new Sub Committees would replace the existing Legislation and Regulation, and Operational Duties JCC Standing Committees, as well as the Conduct and Equality JCC Subject Committees.

If approved, the Secretary suggested that three new Sub Committee titles could become new standing Agenda items for all EAC meetings, which would hopefully assist in terms of highlighting

any issues and then escalating and resolving any matters that could not be resolved by Local Representatives at a Local Divisional level or, via the EAC full-time Officer Bearers.

The Committee endorsed the above proposals.

SPF Policy Conference 2022 – The Policy Conference is scheduled for 21st & 22nd March 2022 at Crieff Hydro. The Committee were reminded this had been approved as a duty and its was requested that all Local Reps confirm their attendance or submit apologies.

SPF Database - Recording of Cases/Contacts/Updates/Case Management – the Secretary highlighted/reminded the Committee about the SPF Web Form, which should be completed in terms of any relevant contact with members.

10 DATES OF NEXT MEETING

The next East Area Committee meeting will be held on Wednesday 1st June 2022.

11 CLOSURES OF MEETING

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

Stephen Clark
Secretary

Andrew Malcolm
Chair