



# Scottish Police Federation East Area Committee

## Minutes of the Fourth Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 1 December 2021 within The Houston House Hotel, Uphall, Livingston, EH52 6JS

### 1 OPENING OF THE MEETING

The Chair welcomed all those in attendance to this, the Fourth Quarterly Meeting of the East Area Committee for 2021. He informed those present that this was an important meeting in terms of the selection of new office bearers due to the impending retirement of the Secretary, Chair and Deputy Secretary in June/July 2022.

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 instructed to take a lateral flow test prior to attending the meeting).

The Chair informed those present that Keith Warhurst had resigned from the East Area Committee wishing him all the best for the future and thanking him on behalf of the SPF and its membership for his efforts and commitment in his role as a local representative.

A special welcome was given to Ben Pacholek and David Hayes attending their first physical meeting.

It was with great sadness and regret that the Chair had to inform those present of the sad loss of two of our members Jason Kemp and William McAteer on 2<sup>nd</sup> and 9<sup>th</sup> October 2021 respectively. As a mark of respect, a minute silence was held in their memory.

The Chair next informed the attendees of the fire procedures in the event of an emergency thereafter, reminding those present that every member would have the opportunity to express their views and that **all** points or issues **must** be directed through the Chair allowing everyone who wished to participate the opportunity to do so.

Standing Orders were adopted and the meeting was declared open.

## 2 ATTENDANCE

Sergeant David Reid	C - Forth Valley
Sergeant Anne Begley	C - Forth Valley
Constable Lyn Redwood	C - Forth Valley
Constable Gavin Grant	C - Forth Valley
Inspector Peter Jones	E - Edinburgh
Inspector Mark Sherman	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Inspector Norman Towler	E - Edinburgh
Sergeant Heather Macintyre	E - Edinburgh
Sergeant Christopher Richardson	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh
Constable David Davison	E - Edinburgh
Constable Stephen Neilson	E - Edinburgh
Constable Richard Wood	E - Edinburgh
Inspector Andrew Toombs	J - Lothian's & Scottish Borders
Inspector Michelle Ritchie	J - Lothian's & Scottish Borders
Inspector David Hughes	J - Lothian's & Scottish Borders
Sergeant Bryan Jones	J - Lothian's & Scottish Borders
Sergeant James Gowling	J - Lothian's & Scottish Borders
Sergeant Ross Drummond	J - Lothian's & Scottish Borders
Constable Eric Dickson	J - Lothian's & Scottish Borders
Constable Darren Gallagher	J - Lothian's & Scottish Borders
Chief Inspector Michael Williamson	P - Fife
Inspector James McLaren	P - Fife
Inspector Ian Stephen	P - Fife
Sergeant Craig Menzies	P - Fife
Sergeant David Hayes	P - Fife
Sergeant Graeme Mathers	P - Fife
Constable John Turley	P - Fife
Constable Kevin Taylor	P - Fife
Constable Ben Pacholek	P - Fife
Andrew Malcolm	Chair
Stephen Clark	Secretary
Heather Macdonald	Deputy Secretary
Graham Ross	Vice Chair

**3 APOLOGIES**

Apologies received from Martin Vickerman, Mark Murphy, Craig Fogg, and Willie Rennie. Allan Lapsley and Gareth Watt were attending a Federation Training Course at the SPF office in Dundee.

**4 MINUTES OF PREVIOUS MEETING**

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

**5 ELECTION – DEPUTY SECRETARY (ELECT)**

There being no other candidates, the Committee endorsed the election of David Reid as Deputy Secretary (Elect).

**6 ELECTION – VICE-CHAIR**

There being no other candidates, the Committee endorsed the election of Richard (Ricky) Wood as Vice Chair (Elect).

**7 ELECTION – POST OF CHAIR**

**Nomination:** Norman Towler  
**Proposed:** James McLaren  
**Seconded:** Darren Gallagher

**Nomination:** Heather MacIntyre  
**Proposed:** Michelle Ritchie  
**Seconded:** Anne Begley

**Nomination:** John Turley  
**Proposed:** Craig Menzies  
**Seconded:** Ben Pacholek

John Turley was duly elected as Chair (Elect).

## 8 **MATTERS ARISING**

### **(a) JOINT CENTRAL COMMITTEE UPDATE**

The Secretary informed that the last meeting of the Joint Central Committee had taken place within the SPF Office in Dundee on Monday 15<sup>th</sup> and Tuesday 16<sup>th</sup> November 2021.

At that meeting, the General Secretary provided an update in relation to the review of the current JCC meeting structure and JCC approved a move from quarterly to bi-monthly. Standing Committees would be incorporated within JCC. The new meeting structure and schedule is to be confirmed and introduced by February 2022.

Other points worthy of note include:

#### **LEGAL UPDATE**

**Allard (on-call recognition case)** - Remains ongoing.

**Holiday Pay** - Remains ongoing.

**WhatsApp** - Remains ongoing.

**Sheku Bayoh Public Enquiry** - Ongoing. On 18<sup>th</sup> November 2021, the Inquiry Chair addressed the 'interested parties'. To date no evidence has been presented and no dates have been confirmed in that regard, it is likely to be 2022 before witnesses are called and evidence heard. The Secretary signposted the Public Inquiry website for more information/detail.

**Employment Tribunal regarding Pensions and the SPF** – Ongoing. Progressing to an ET scheduled for June 2022.

#### **PNB (POLICE NEGOTIATION BOARD)**

The Secretary informed that the last PNB had met on 7<sup>th</sup> October 2021.

**Pay Claim 2021** - Discussions ensued regarding elements achieved in relation to annual leave, extension to notification periods for rest days and compensation for Inspectors and above as part of the 'double lock' arrangements. An overview and explanation of 'double lock' was provided.

It was acknowledged that a number of enquiries had been received from retired officers in relation to the bonus payment element of the pay deal, and it was confirmed that only those 'in service' as of 28<sup>th</sup> October 2021

are eligible to receive the £250 bonus payment, and it was highlighted that it is not linked to the COVID pandemic.

**Pay Claim 2022** - Staff Side are reviewing the position for 2022. Those present had a lengthy discussion about what they felt the 2022 pay claim should reflect. The views were acknowledged/noted and will be reflected in terms of the review and future PNB meetings.

**EWG (Equality Working Group)** – Remains ongoing. Staff Side have lodged a claim for increased provision regarding maternity, to bring Scotland into line with the rest of the United Kingdom.

**Queens Platinum Jubilee** - Remains ongoing. Staff Side submitted a claim for an additional Public Holiday in either May or June 2022.

The Secretary informed the next scheduled full PNB meeting is scheduled to take place on 16<sup>th</sup> February 2022.

**COP26** - The Committee deliberated over COP26 discussing the feedback from officers. The main points raised were:

- Poor logistics. Transport plan was poor with travel time and staging posts causing officers to work 14 hours rather than 12. A real bone of contention was being informed they were not entitled to claim for travel time.
- Resourcing for business as usual within 'E' Division was poor. Inspectors had been placed under a lot of pressure to make things work and therefore, they should be acknowledged for this.
- Officers did not know what duties they would be working causing problems and stress in relation to care arrangements.
- Op Urram Mailboxes were not being monitored and officers' enquiries were unanswered causing increased stress and anxiety.
- Lack of communication between RDU and officers.
- SCOPE was, in the words of the officers “**useless**” and the updating of the system was not good.
- It was thought that the financial implications due to all of the above would exceed what was first expected.
- Overall, it was felt that the planning and notifications of shifts and duties compared to other big events had been an unmitigated disaster. Disappointment had been voiced at the lack of communication between national and local RDU's. Officers were genuinely frustrated at the lack of information and guidance – not

knowing what they were working, what their duties would be and when asking Line Managers, they had no idea either – signposting officers to Mailboxes that were not being monitored and enquiries went unanswered.

Inspector James McLaren stated that whilst there were issues prior to and during Op Urram, it was important that the anger be directed appropriately /accurately. The committee recognized that everyone involved had worked extremely hard under considerable pressure to make COP26 work under what was extremely trying circumstances.

## **PENSIONS**

**SCAPE (Superannuation Contributions Adjusted for Past Experience) and Cost Control Mechanism Consultations** - The Secretary updated that the SPF response had been submitted within the Government timescales and completely aligned with all other trade unions/staff associations. The requested extension was however, not granted.

The Secretary informed that SPF were looking for examples of officers who would suffer detrimentally in relation to the changes to pension and tasked the committee to bring examples forward to use as possible test cases. Officers must fall within the one of the undernoted brackets:

1. Retiring on Ill Health between 1 April 2015 and 31 March 2022.
2. Retiring between 1 April 2015 and 31 March 2022 with services in both schemes.
3. Due to retire prior to 31 March 2022 with services in both schemes.
4. Due to retire after 31 March 2022 but prior to 31 October 2023 and have service in both schemes.

The Secretary will email committee members seeking relevant nominations following the meeting.

**Pension Remedy** - SPF have sought legal opinion on technical details.

**Annual Benefit Statements** - This is a self-service portal implemented without consultation with the SPF. Officers are required to register for online access. To date only 45% of officers have registered.

**SPPA** - Challenges continue regarding the pensions remedy and general pension's environment. Currently membership of the pension scheme stands at 92%.

## **POLICE SERVICE OF SCOTLAND REFORM**

**ACRA (Age of Criminal Responsibility)** - Remains unfunded. The delay is now indefinite with training having been paused.

**Communication Systems/Processes** – Police systems are outdated and a change of technology is required by 2025.

**Cyber Program** – This will prove challenging and will have to fit into existing policing methods.

**EUROCOP** - A meeting was held in Edinburgh on 22<sup>nd</sup> - 24<sup>th</sup> November 2021. Health & Safety, the impact of crime trends and social demographic changes due to immigration had all been on the agenda and discussed.

**Standard Operating Procedures/Consultations** - Sent out to the EAC with the view that those with specific knowledge or expertise will send in feedback thus giving the EAC a better overall response in relation to the consultations.

**Police Related Charities** - The Secretary updated the Committee accordingly in relation to police related charities.

**Police Treatment Centre & St. Georges Fund** – The St. George's Fund will now be known as the **Police Children's Trust**.

**Police Care UK** - The charity reported a loss due to the collapse of Woodford Investments.

**Scottish Police Memorial Day** - Due to COVID, the Service was held virtually.

**National Police Memorial Day** - The Service this year was held in Lincoln. The National Chair, David Hamilton represented the SPF. Next year's event will take place in Belfast.

The Next JCC Meeting is scheduled to take place on 8<sup>th</sup> & 9<sup>th</sup> February 2022.

## **(b) STANDING COMMITTEE UPDATES**

**Finance** - The Finance Standing Committee met on 15<sup>th</sup> November 2021. The Secretary updated the Committee on the pertinent elements.

**Legislation & Regulation Committee** - Cancelled due to COP26.

**Operational Duties** - Cancelled due to COP26.

**(c) SUBJECT COMMITTEE UPDATES**

**CONDUCT**

The Vice Chair updated those present informing that the last Subject Committee Meeting had met via Teams on 28<sup>th</sup> September 2021. The minutes of the meeting had been circulated. In terms of the East, the following items are worthy of note:

	<b>CONDUCT</b>	<b>CRIMINAL</b>	<b>TOTAL</b>
<b>ON</b>	4	26	30
<b>OFF</b>	2	15	17
<b>CLOSED</b>		4	4

There are currently 8 Officers suspended in the East.

Disappointingly, criminal cases are being affected by the ongoing pandemic and backlogs within the court system.

The Vice Chair informed that there had been an increase in officers being reported for offences by colleagues. There did not appear to be any obvious reasoning for this.

**Changes in PSD** - Recently there had been a number of moves across the department and a period of readjustment would be required to enable those new in post to settle into the role.

**Training- New Opportunities** - The addition of two more JCC meetings has been ratified. The workings around how this will affect the JCC Subject Committee Meetings including the Conduct Meeting has yet to be established, however, it remains the Vice Chairs position that he would like to have some form of localized meetings with those on the Conduct Committee. Further training opportunities will hopefully arise in the coming months for Conduct Representatives.

A vacancy has arisen for a Conduct Representative within “E” Division and those “E” Divisional Representatives interested where asked to make themselves known to the Vice-Chair.

**Assistance from the EAC Reps** - During the past few months the Vice Chair had reached out to the committee seeking volunteers to assist him with conduct cases. He thanked all those who had answered his requests, and taken on the extra work especially as this was in addition to their day jobs and often in their own time. Special thanks were given to Craig Menzies, Heather McIntyre, Allan Lapsley, John Turley, Kevin Taylor, with particular mention to Michelle Ritchie who assisted on her days off.



## **EQUALITY & PART-TIME WORKING**

The Chair updated those present. The Equality Committee Meeting took place on 29<sup>th</sup> September 2021 the minutes of which had been disseminated.

The following items are worthy of note:

<b>CASE TYPE</b>	<b>NUMBER</b>
Probationer Performance	5
Discrimination - Disability	2
Grievance	4
Ill Health	22
Ill Health Retirement	17
<b>Total Number East Cases v Equality</b>	<b>37%</b>

**Probationers** - Support continues to be given to probationers on Action Plans. The majority continue to relate to failures in respect of fitness or exams.

**Grievance** - Support continues for members with grievances in particular officers experiencing challenges in respect of disability.

**Flexible Working** and treatment of officers where resourcing is a challenge continues to feature in respect of discrimination towards them, rather than embracing the benefits that adjustments could make!

**COP26** - Advice and support continues to be provided to officers.

**Ill Health Retirement** - Officers entering the IHR process continue to be negatively impacted by the case backlog created between February and September 2020 when PSoS had no SMP. Officers who are going through the Ill-Health Retiral Process continue to be supported by SPF.

**Ill Health** - Currently 22 officers are absent long-term and we continue to support these officers. In terms of critical illness and support around pay, it is **important to emphasis the need to comply with timescales specified in the policy.**

**Equality Tribunal** - since the last EAC meeting, judgement has been made in the case PSoS v MALONE. This relates to a member who had suffered discrimination, victimization and harassment as a consequence of her gender and grievance. The settlement in the case has yet to be confirmed. PSoS have introduced a number of Working Groups to address the failings identified and have appointed PSNI to investigate the culture and other elements identified.

## **HEALTH & SAFETY**

The Deputy Secretary had presented a comprehensive update to the Committee via TEAMS highlighting significant issues for them to consider including:

**Covid Update** - Covid transmission is increasing and there is a potential for new guidance/legislation over the coming days/weeks with the rise of the Omicron variant. The Deputy Secretary asked those present to remind their colleagues of the importance of officers wearing their masks when they cannot distance. Distance **must** be adhered to and **IIR masks must still be worn in vehicles by all officers** where distance cannot be adhered to.

The Outbreak Management Team (OMT) were officially stood down on 19<sup>th</sup> November 2021. Management of outbreaks will remain with divisions.

Only 444 officers had claimed for the flu vaccination. This scheme closes on the 31<sup>st</sup> December 2021. Officers wishing to utilize the offer should do so now claiming back via scope.

**Administration & Governance** - Currently there are 6 ongoing investigations in the East Area.

Regular monthly Health & Safety Meetings with all East Divisions and Quarterly Meetings with CJSD, Road Policing & LTD continue to be productive allowing any issues to be addressed as and when they arise. There are currently no permanent Health & Safety Advisers in the East however; this should change in the beginning of January 2022.

**Training** - Further training courses will take place next year for those who were unable to attend this year.

**Injuries** - Nearly all of the RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences) reports over the last quarter have involved foot pursuits where officers have fallen or, entry with MOE but not wearing suitable PPE.

Violence against officers is growing. There are concerns due to the increase in the willingness to use weapons and the Force is looking at this.

Dog bites are on the rise. Those present were asked to ensure that their members are aware that Dog Handlers have electric shields, which can be utilized for operations.

**Clothing and Equipment** - Thermals for all officers have been approved which will include a top/bottom layer and socks however, it will be next year before they are issued. New (fit for purpose) torches have been procured and will be available next year. These are supposedly superior to the current standard issue.

**Winter issues - 4 x4 vehicles** – Fleet have confirmed they are unable to source any further vehicles at this time. The ACC confirmed that if divisions require more vehicles, they should hire them to meet the need of the division.

The Secretary then informed the committee that due to the impending changes within the EAC in 2022 that there would be vacancies on the sub-committees that required to be filled. All those interested in getting involved in one of the sub-committees should make themselves known.

#### **(d) DIVISIONAL UPDATES**

**‘C’ DIVISION (Forth Valley)** – On Wednesday 17<sup>th</sup> November 2021, Davie Reid, Martin Vickerman and Mark Murphy met with Chief Superintendent Gibson, Superintendent Sinclair and Superintendent Lundie.

Main topics discussed had been:

The good uptake in the consultation regarding the potential switch to the 2x2x2 **shift pattern** which was open to those currently on response, DAVRU and CPT as they are most likely to work it. The consultation finishes on 5<sup>th</sup> December 2021 at which time the Division will analyse the results and a decision will be made on whether to switch or not.

**Sudden Deaths** and the proposal for Sudden Death reports to be updated once the Post Mortem has been carried out allowing a quicker and easier return of keys/property to the next of kin.

**Response Officers Attending Calls on Motorways** and the recent increase of response officers attending live calls on the motorway. (Predominantly on the nightshift when no RPU crews have been available) and the dangers this puts our officers in due to inadequate training or equipment to safely carry out these duties.

**Christmas Staffing** – To date no requirement on the Division to send any officers through to Winter City, Edinburgh.

**Op Urram Officers** – Some officers who worked their 4 working days after Op Urram did not receive their 2 rest days.

**‘E’ DIVISION (Edinburgh)** – Norman Towler, Christopher Richardson and Willie Rennie met with Chief Superintendent Scott and Superintendent Rennie. The main topics discussed had been:

**Op Urram** - focus being on the welfare and well-being of all officers. Courts and current practice of COPFS marking cases later than normal therefore, not in a position to look at excusals was raised; Officers cited on a Friday having a knock-on effect with Night Guard; 222 Shift Pattern

was discussed at length. There will be a refreshed communication strategy published shortly.

**Custody Meetings** - ongoing to continue the custody triage and the re-opening of Dalkeith Custody Centre during the day.

The Secretary informed those present that in relation to Dalkeith and the re-opening Monday to Friday day shift that the SPF (East Area) had been actively highlighting the risks that closure presented. Other community representatives supported their concerns.

**COVID** - closure of the National Outbreak Management Team whilst Covid levels were high and reminding officers of the need to wear face coverings, hand washing, etc.

**STOs** - now over establishment with 85 officers trained in this specialism.

**'J' DIVISION** – A new commander will shortly take up post. There had been no meeting since the last Quarterly Meeting

**'P' Division (Fife)** – EAC Representatives, Kevin Taylor and John Turley consulted with Chief Superintendent McEwan in respect of an issue relating to Sergeants within Cowdenbeath being required to cover increased areas. Chief Superintendent McEwan rejected the concerns and highlighted that the practice had been in place for a number of years and unless presented with compelling evidence as to why the process should change, it will remain. He was willing to meet those who have raised concerns personally.

**Operation Urram** - There were a number of issues surrounding Operation Urram and all officers within Fife have been encouraged to complete the Op Urram de-brief form.

**Kirkcaldy Court Trial** - Suggestion that a cadre of officers could be made available to provide backfill for court officers to enable officers cited for court valuable time to prepare. The 3 month review is complete but not circulated. Officers will be expected to parade at Kirkcaldy for 0945 and not 0900. This gives officers sufficient time get to Kirkcaldy with their PPE etc.

**Court Officers' Annual Leave** - Until recently officers who were cited for court covered this. A policy decision has been made those cited officers will no longer be utilized and that RDU will revert to their previous policy of identifying an officer from elsewhere within the division.

**Flu Vaccination** – A circulation was sent to officers reminding them they could reclaim the cost of the Flu vaccine.

Fife RDU confirmed that commitments could be marked on SCoPE once more now that Op Urram has finished.

**(e) MAJOR EVENTS**

Torchlight & Operation Cranachan (Hogmanay) – 31.12.2021.

Discussions ensued around the planning and resourcing of Hogmanay. Senior Management have agreed that officers from the whole of Scotland would be utilized. PSU tend to be used due to their specialism however, CID and office-based officers should be used more. It was agreed that SCoPE is not fit for purpose.

**9 NEW BUSINESS**

No new business.

**10 ANY OTHER COMPETENT BUSINESS**

**SPF Awards – “It’s what we do”** - The Secretary gave an update on the SPF Annual Awards held within the Dynamic Earth on 25<sup>th</sup> November 2021.

Every finalist had deserved their place in the final. The new look SPF Awards no longer focus simply on bravery, with categories such as ‘Unsung Hero’ and ‘Cops Cop’. They are not geographically focused but taken as the best from across Scotland.

These awards demonstrate the extraordinary and diverse work that officers deal with on a daily basis going above and beyond, carrying out the work of other agencies alongside their own without recognition.

The committee were asked to highlight the awards throughout their respective divisions. Nominations are already being sought. The online form to nominate an officer/s can be found on the SPF website.

**SPF Policy Conference** - The Chair next went on to inform the committee that the SPF Policy Conference would be taking place 21<sup>st</sup> – 22<sup>nd</sup> March 2022. The committee were asked to diary this. The Secretary informed that if there were any subjects that they or, any members within their respective areas wished to be highlighted/discussed at the Conference that these should be forwarded to him.

## 11 **CLOSURE OF MEETING**

The Chair informed those present that the next scheduled Quarterly Meeting of the East Area Committee would take place on Wednesday 2<sup>nd</sup> March 2022.

The Chair reminded members of the forthcoming Subject Committee meetings:

- **Conduct** – 11th January 2022
- **Equality** – 12th January 2022
- **Health & Safety** – 13th January 2022

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

Stephen Clark  
Secretary

Andrew Malcolm  
Chair