



Scottish Police Federation

PO Box 27163, Glasgow, G3 9EZ

## **Joint Central Committee Minutes**

Minutes of the Joint Central Committee meeting held at the Apex Hotel, 1 W Victoria Dock Rd, Dundee DD1 3JP on Tuesday 8<sup>th</sup> and Wednesday 9<sup>th</sup> February 2022.

### **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  
Caroline Macnaughton  
Ross Polworth  
David Threadgold

#### East Committee

Stevie Clark  
David Reid  
Heather Macdonald  
Andy Malcolm  
Stevie Neilson  
John Turley  
Ricky Wood

#### West Committee

Hugh Burns  
Lorna Cunningham  
Ian Florence  
Iain Gray  
Lynne Gray  
Jennie MacFarlane  
Karen Cameron

#### Assistants to the General Secretary

Amanda Givan AGS (Conduct)  
James Thomson AGS (People & Equality)  
Gordon Forsyth AGS (Health & Safety)

#### Also in attendance

Doug Keil	Business Manager
Lesley Stevenson	Business Administrator

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

He informed the Committee that a Finance Standing Committee meeting would be held at 4pm that day.

Apologies were received from Scott MacDonald who had no replacement. Further apologies were received from Cath McNally who was replaced by Hugh Burns and Graham Ross who was replaced by David Reid. John Turley attended as an observer.

## 2 Minute of Previous Meeting

The draft minute of the previous meeting was circulated with JCC Circular 2 of 2022. It was proposed and seconded and thereafter adopted as a true record.

## 3 Legal Advice and Assistance

The Deputy General Secretary gave the following report to the Committee:

<b>SINCE THE LAST JCC MEETING</b>			
<b>Legal Cases On Duty</b>			
<b>Type of case</b>	<b>North</b>	<b>East</b>	<b>West</b>
CICA	1		
Civil Legal Defence			
Contract Dispute			
Criminal Legal Defence	1		1
Employment Dispute (EX OFFICER)			
Employment Dispute (serving officer)	6	1	
FAI			4
Judicial Review			
Misconduct			2
Other	1	1	
Personal Injury	1		4
Property Protection			
RTA		1	4
<b>TOTAL</b>	<b>10</b>	<b>3</b>	<b>15</b>
<b>Legal Cases Off Duty</b>			
<b>Type of case</b>	<b>North</b>	<b>East</b>	<b>West</b>
CICA			
Civil Legal Defence	1		1
Contract Dispute			2
Criminal Legal Defence	5	6	10
Employment Dispute (EX OFFICER)			
Employment Dispute (serving officer)			
FAI			
Judicial Review			
Misconduct			
Other		2	1

Personal Injury		1	1
Property Protection			1
RTA	1		1
TOTAL	7	9	17
<b>LEGAL FEES RECLAIMED - £4250</b>			
<b>CLAIMS SETTLED - £352,990</b>			

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

It was reported that the Allard claim remained ongoing. The focus of the claim was the payment for being recalled to duty. Further actuarial work may be required but it was hoped that it would be settled by the end of the year.

### **Holiday Pay Claim**

It was reported that the Holiday Pay Claim was still ongoing and referred to the historical claim for overtime. A settlement had been negotiated and was on the cusp of being agreed until the Agnew v PSNI case was referred to the Supreme Court. Until this case was concluded, the matter was unlikely to be progressed and would remain sisted.

### **WhatsApp**

It was noted that the right to appeal had been refused by the Supreme Court. Advice was awaited from Queens Counsel on the prospects of pursuing this case in Europe.

### **Sheku Bayoh Public Inquiry**

It was reported that the inquiry was ongoing and was expected to continue for several years. Many police witnesses would be asked to give evidence and may need support from the SPF whilst the inquiry was ongoing.

A website had been set up which published updates on its progress. The inquiry would commence on 10<sup>th</sup> May 2022.

### **Judicial Reviews**

It was noted that there was one live application for Judicial Review. It was relative to the pension provisions to unmarried partners.

### **Legal Advice & Assistance**

There had been no notable requests for legal advice/assistance since the last meeting, but two major cases were expected in the near future.

## **Legal Opinion**

One request for a legal opinion had been received regarding rest day banks and the way they were handled by the PSoS. The Committee would further discuss this matter.

## **Appeals**

An appeal was raised by the East Area Committee in relation to an officer who had been supported in pursuit of a grievance initially but had decided not to follow SPF advice. Her request for further funding had been refused. The Committee rejected the appeal.

An appeal was raised by the North Area Committee in relation to a legal advice/assistance case regarding on-call payments. The Committee discussed the case, and the appeal was rejected.

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

The General Secretary reported that the PNB had not met since the last meeting.

An update was provided in relation to inspectors' working hours and the Committee were made aware that the PNB TWG were progressing this in the pay claim.

The General Secretary reported that the claims for additional maternity pay and the additional public holiday for the Queen's Jubilee were outstanding. The Committee noted the lack of progress on the 'in service compensation scheme' which remained at the Scottish Police Consultative Forum (SPCF).

An update was given on the Equality Working Group and the outstanding claim for maternity. The Committee discussed the representation for Staff Side of the PNB as it was felt an expanded Staff Side would be of benefit.

The Committee noted that Government had stated that all pay negotiating and setting bodies, not directly subject to the public sector pay policy would have to have regard to its provisions.

The meeting discussed the pay claim for 2022 against that background and considered the factors which made policing unique. The meeting also considered the current gaps between pay scales, multi-year pay deals, reduction in the working week, on call, the removal of specific pay points and notice periods. The General Secretary undertook to circulate details of the Staff Side claim once agreed by Staff Side.

Prior to the meeting, the rank Committees met and elected representatives to the Staff Side as follows, Lorna Cunningham and Ian Florence, David Threadgold and Iain Gray and Andy Malcolm and Nick Clasper.

The Committee noted that the next PNB meeting is scheduled for the 16<sup>th</sup> February 2022.

## **5 Pensions**

The General Secretary reported on the response to the remedy consultation which had been compiled by a small group of the JCC.

He further reported on the response to the consultation on the removal of the commutation cap, and the commutation factor underpin.

He told the Committee that the SPF and other staff associations had financially supported an appeal by the Police Superintendent's Association in E&W in respect of the government's consultation on pensions which despite being found to have been unlawful, was not subjected to any remedy.

The Deputy General Secretary gave an update on the status of cases lodged by the SPF in relation to the immediate detriment cases.

He also reported on the case of the unmarried "widow" and the ongoing legal considerations in respect of pensions.

The General Secretary told the Committee that pensions in payment would increase by 3.1% w.e.f. 5<sup>th</sup> April (determined by reference to CPI in September the previous year).

The Chair gave an update on the work of the Pensions Board and in particular service delivery. He told the Committee that a new Chief Executive had been appointed and assurances had been received from him in terms of collaborative working.

## **6 Scottish Police Consultative Forum (SPCF)**

The Committee noted that there had been no meeting of the SPCF since the last meeting. The next scheduled meeting had been postponed pending a formal consideration of the workstreams of the SPCF, which was scheduled to take place on 22<sup>nd</sup> February 2022.

## **7 Scottish Police Authority (SPA)**

The Chair gave an update and informed that Committee that three new ACCs had been appointed namely, Andy Freeburn, Emma Bond from PSNI and Bex Smith from National Crime Agency.

He thereafter reported on the review of the SPA engagement processes for the SPF.

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

The General Secretary reported on the draft police budget, public sector pay policy, National Insurance increases and the expected increase in the energy price cap. The meeting noted that the economic outlook was bleak with some reports suggesting inflation could go as high as 10% during the year. He advised the Committee that the police budget had been set on assumed pay increases being aligned with the public sector pay policy.

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

The Committee noted the dates of the political party conferences to be held later in the year as follows, Scottish Labour 4-6 March; Scottish Conservative 18-19 March; Labour (UK) 24-28 September and Conservative (UK) 205 October.

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

The Chairman reported on the meeting of the JNCC that took place on 13<sup>th</sup> December 2021 where the following was discussed; the Implications on Police Scotland Workforce Structure of the Pension Remedy and the use of External Consultants in Change reports.

The Committee noted the next meeting of the JNCC was scheduled for 3<sup>rd</sup> March 2022 and would submit pension governance and on call as items for the agenda

The Vice Chair and Depute General Secretary updated the Committee on the work of the PODG, Policy and Procedures and Working Practices Review Board.

The Committee also discussed re-rostered days and annual leave dates.

It also discussed the JNCC and how it dealt with policy change. The Committee considered that the performance of the JNCC should be the subject of a review.

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

The General Secretary reported on a meeting of the FSC which had been held the previous day and updated on the Voluntary Fund, donations, SPF Awards, and legal costs. He also reported that there had been a significant increase in the cost of professional indemnity insurance which was only available from one provider.

He reported that he had engaged the Fraser of Allander Institute to look at police spending and pay since 2008.

The FSC had agreed that it should propose to the JCC that the payment of £3500 as contained in Rule 15.2 I) SPF Death Benefit Scheme should be increased to £5000. The JCC approved this Rule change.

The FSC had agreed to propose to the JCC that a donation of £1000 should be made to Maggie's, Fife. This was approved. The General Secretary reminded the meeting that it was open to each area to nominate charities for the SPF to support.

The General Secretary said that there had been no exceptional expenditure on the Trust accounts, and he reported on the healthy state of SPF investments.

The FSC had discussed Op Urram and considered that major lessons required to be learned about pay, food and accommodation. Questions should be asked before any future large event, 'when/where will I start duty', 'when/where will I finish duty'. Dealing with these issues would reduce queries and complaints to an enormous degree.

The Committee was updated on the Bare Trust, MBT, accommodation in Aberdeen, Livingston and Paisley, business cards, 1919 magazine and the salary exchange scheme for pensions contributions.

The JCC approved the purchase of laptops and docking stations and renewed licences with Kick ICT.

## **12 Legislation and Regulation Standing Committee (L&R)**

The Committee noted that following an agreement to review the Standing Committee structure, there had been no meeting of the L&R Standing Committee. The Committee reviewed the future workload at agenda item 17.

## **13 Operational Duties Standing Committee**

The Committee noted that following an agreement to review the Standing Committee structure, there had been no meeting of the Operational Duties Standing Committee. The Committee reviewed the future workload at agenda item 17.

## **14 Conduct Committee**

It was reported that the last meeting of the Conduct Committee was held on 11<sup>th</sup> January 2022 and the Minute was circulated with JCC Circular 4 of 2022.

The AGSC gave an update and reported on a meeting she had with Dame Elish Angiolini. She said that PSoS had claimed to have completed and implemented 13 of the 81 recommendations, including recommendation 18 which was in relation to equality and institutional racism. She said that working groups had been set up to discharge the recommendations.

## **15 Equality Committee**

It was reported that the last meeting of the Equality Committee was held on 12<sup>th</sup> January 2022 and the Minute would be circulated when available.

The AGS (E&P) gave a comprehensive update.

He reported that there had been no meetings of the PNB EWG since the last meeting.

He gave updates on the PSoS Equality, Diversity & Inclusion Group, absence management, modified duties, Bradford factor, discrimination in the workplace, grievances, employment tribunals and training. He also reported on the area updates, tribunal rulings, legal assistance and the length of time it was taking for members to go through the IHR process, guidance to chief officers on paid sick leave the Optima contract, sex equality and tackling misogyny, wellbeing and neurodiversity.

The Committee discussed the number of members going through the IHR process, the Bradford Score and promotion processes, hard to fill posts, travelling distances and the impact on promotion on misconduct.

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

It was reported that the last meeting of the H&S Committee was held on 4<sup>th</sup> October 2021 and the Minute was circulated with JCC Circular 4 of 2022.

A paper had been circulated prior to the meeting and was noted. The AGSH gave updates on Op Talla, Covid Resilience Unit deployment costs, naloxone, Op Urram, RIDDOR, a casualty transport group and taser.

## **17 JCC, Standing and Subcommittees**

The Committee discussed various proposals on this topic, and it was agreed that while the general principles of change were agreed, area secretaries would report back on local implications.

## **18 SPF Training**

The Committee noted that all training had been sisted as a consequence of COVID. Equality training had been scheduled for February 2022 and a Basic Course arranged for March. A new FTOB course was scheduled for May. The course was being redesigned and would include the question on the role of the FTOB.

## **19 JCC Circulars**

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

- 4/2022 Conduct & H&S Subject Committee Minutes – Information
- 3/2022 Wellbeing survey – Information
- 2/2022 JCC & FSC Minutes – November 2021 – Information
- 1/2022 SPF Response to the Pension Consultation

## **20 Police Service of Scotland Reform**

The Chair reported that there were 40 change projects, some employing consultants, ongoing at this time and he felt there was insufficient money and resource to do this amount of work properly. The Committee expressed significant concerns which the Chair noted.

## **21 SOP Consultation**

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

- 28.01.22 Family Liaison NG V3.03
- 24.01.22 Hate Crime Campaign 2022
- 24.01.22 Productions NG v2.02
- 18.01.22 Reports & Statements Writing Guidance v3.03
- 24.12.12 Cybercrime First Responder Guide National Guidance V0.02
- 17.12.21 ACRA (S) 2019
- 13.12.21 Custody Policy v2.01
- 30.11.21 Remotely Piloted Aircraft Systems (RPAS) Code of Practise V0.05
- 29.11.21 Auditors & Social Media Bloggers NG v0.05
- 18.11.21 Respiratory Protective Equipment v0.05
- 18.11.21 Human Trafficking v7.04
- 15.11.21 Suspension from Duty NG v0.07



- 08.11.21 Absence Management SOP - P&D Policy Consultation 'particular case' and the absence management processes
- 22.10.21 My Career Proof of Concept Evaluation Outcome Report

## **22 EuroCOP/ICPRA**

The General Secretary gave updates on both organisations. The meeting noted that ICPRA was due to meet in Glasgow in June.

## **23 Police Related Charities**

### **PTC & St George's Trust**

Andy Malcolm gave updates on these charities.

### **Police Care UK**

The Chair said that the current use of charity reserves was not sustainable and there would be some refocussing on the work done and the needs of the charity.

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

The Chair reported that the wall required around £30k of repairs to deal with an issue relative to its foundations.

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

The Chair reported that the NPMD days would be held in Belfast 2022, Cardiff 2023 and Scotland in 2024. It was agreed that two representatives from each area and the four JCC officers should attend.

## **24 Correspondence**

The General Secretary read a letter to the Committee from Gary Mitchell, Secretary of the WAC relative to his retiral from the service and consequently the JCC on 31<sup>st</sup> March 2022. Thanks were given to Gary and best wishes for the future.

The General Secretary received a letter from the NPCC relative to BMW engines and he acknowledged the work of the Vice Chair in this regard.

The Chair acknowledged the resignation from Ross Polwarth from the Committee and thanked him for all his efforts. Best wishes were given to Ross for the future.

## **25 Competent Business**

There were no items.

## **26 Closure**

The Chair thanked everyone for their attendance and inputs at the meeting. The date of the next meeting was 19/20 April 2022.

A vote of thanks was given to the Chair.

**David Hamilton**  
**Chair**

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